

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.347 of 2022**

Arising Out of PS. Case No.- Year-0 Thana- District- East Champaran

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EKRAMUL HAQUE @ MOHAMAD IKARAMULHAK S/o Mohamad Samsuddin Miyan @ Sheikh Samsuddin R/o village- Galimpur, P.S.- Taraiya, District- Chhapra at Sasaram

... .. Petitioner

Versus

1. The State of Bihar
 2. Nazani Khatoon W/o Ekramul Haque @ Mohamad Ikramulhak, D/o Late Shekh Samsuddin R/o village- Mohammadpur, P.S.- Kesariya, District- East Champaran, Permanent R/o village- Basaon, P.S.- Basantpur, District- Siwan
- Respondents

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Appearance :

For the Petitioner/s : Mr.Saroj Kumar Singh, Advocate
For the Respondent/s : Mr.Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

- 3 12-08-2022 Heard learned counsel for the petitioner and Mr. Ashok Kumar Singh, learned APP for the State.

This revision application has been preferred seeking setting aside of the order dated 23.04.2022 passed in Maintenance Case No. 103 of 2021 by learned Principal Judge, Family Court, East Champaran, Motihari whereby and whereunder the learned Principal Judge allowed the maintenance case of the opposite party no.2 and directed the petitioner to pay Rs. 6000/- to the O.P. No.2 from the date of filing of this case i.e. 08.03.2021. Petitioner was also directed to pay litigation cost of Rs. 5000/- and further directed that the petitioner has to pay the arrear of maintenance amount from 08.03.2021 to 23.04.2022 shall be



paid within six months.

Learned counsel for the petitioner submits that the petitioner is a poor person and does not have sufficient means to pay the monthly maintenance amount of Rs. 6000/- to his wife.

Learned counsel for the petitioner does not dispute the marriage between the petitioner and the opposite party no. 2. He does not deny his responsibility to maintain his wife but his only contention is that the petitioner is not having sufficient means. Contrary to his submission when this Court peruses the impugned judgment, it is noticed that in course of evidence it has come that the petitioner works as *Raj Mistry* and he admitted his per day income at Rs. 500/-. Even if his income at Rs. 500/- per day is taken to be correct, the amount awarded towards maintenance would be only about 40% of his monthly income. The applicant-wife has led evidence that in fact the opposite party-petitioner is working as a contractor engaged in building construction at Delhi and he earns not less than Rs. 50,000/- per month.

On the face of the materials available on the record and well discussed in the impugned judgment, this Court finds no reason to interfere with the directions. This revision application has no merit. It is dismissed accordingly.



If the petitioner is not paying the maintenance amount and has not paid the litigation cost, learned Principal Judge, Family Court, East Champran, Motihari shall take appropriate steps in accordance with law to realize the same.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

