

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.390 of 2022**

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

Md. Naushad Alam @ Mohd. Naushad Abdul Rashid @ Naushad S/O Abul Rashid At Present Residing At Room No.68, Tilak Nagar Jasmin Mill Road, Near Mariamma Temple, Dharavi Mumbai Maharashtra, Permanent Resident Of Village- Guaabari, P.S.- Kundwa Chainpur, District- East Champaran.

... .. Petitioner

Versus

1. Koushar Jahan W/O Md. Naushad Alam @ Mohd. Naushad Abdul Rashid, D/O Md. Obaidullah Resident Of Village- Guaabari, P.S.- Kundwa Chainpur, District- East Champaran.
2. Md. Amir Hussain S/o Md. Naushad Alam @ Mohd. Naushad Abdul Rashid and Resident of Village- Guaabari, P.S.- Kundwa Chainpur, District- East Champaran.
3. Adil Hussain S/o- Md. Naushad Alam @ Mohd. Naushad Abdul Resident of Village- Guaabari, P.S.- Kundwa Chainpur, District- East Champaran.
4. Khalda Tabasum D/o of Md. Naushad Alam @ Mohd. Naushad Abdul Rashid Resident of Village- Guaabari, P.S.- Kundwa Chainpur, District- East Champaran.

... .. Opposite Parties

**Appearance :**

For the Petitioner/s : Mr.Krishna Kant Singh, Advocate  
For the Respondent/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

3      24-08-2022                      Heard learned counsel for the petitioner.

The petitioner is aggrieved by and dissatisfied with the ex-parte order dated 17<sup>th</sup> December, 2021 passed by learned Principal Judge, Family Court, East Champaran, Motihari in Maintenance Case No. 191 of 2020.

Learned counsel for the petitioner has though submitted that it is an ex-parte order but does not dispute that in this case, the notice was sent by the learned court below on his



permanent address and in paragraph '3' of the impugned order, the learned court below has categorically recorded that from the order dated 07.04.2021, it appeared that service of notice was confirmed and the case was fixed for ex-parte evidence.

In course of hearing, this Court called upon learned counsel for the petitioner to satisfy the Court as to how the order directing payment of maintenance to his wife and three minor children may be found suffering from any infirmity or illegality particularly considering that Section 125 Cr.P.C. is a piece of social legislation and the provision is to be interpreted to give a succor to the neglected women and children, learned counsel for the petitioner has though assailed the impugned order but in course of argument having sensed that the court below has awarded only Rs.1,000/- per month to the three minor children and Rs.7000/- to the applicant-wife, learned counsel for the petitioner is unable to demonstrate any illegality or infirmity in awarding such a meagre amount to the minor children and the wife.

Learned counsel for the petitioner admits that this petitioner is working at Mumbai though his submission is that he is doing the work of tailoring and not engaged in running sewing factory and export of the cloth products.



This Court finds that the evidence laid on behalf of the applicant-wife shows that the petitioner runs a sewing factory at Mumbai, this Court having noticed that the learned Principal Judge has awarded only a sum of Rs.7,000/- per month to petitioner no. 1 and Rs.3,000/- to the three minor children the total only being Rs.10,000/- per month and the petitioner is engaged in tailoring work as disclosed by him at Mumbai, this being the position, this Court is not inclined to interfere with meagre amount of maintenance awarded to the applicant-wife and the three minor children.

This revision application has no merit. It is dismissed accordingly.

The learned Principal Judge, Family Court, East Champaran, Motihari shall proceed to enforce the judgment.

**(Rajeev Ranjan Prasad, J)**

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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'.

