

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.918 of 2018**

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Baljeet Das @ Baljeet Ravidas, S/O Krishna Das, resident of Village+P.O.-
Manjhway, P.S. and District- Jamui.

... .. Petitioner

Versus

Soni Devi, w/o Baljeet Das, resident of Village+P.O.- Manjhway, P.S.+
District- Jamui, presently D/o Rajendra Rabidas, resident of Village- Sijhauri,
P.S.- Sikandra, District- Jamui.

... .. Respondent

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

9 26-07-2022 This is the third occasion when no one has appeared on
behalf of the petitioner to press this application.

Since the matter relates to payment of maintenance to
the opposite party and it appears on perusal of the impugned
judgment that the petitioner is not paying a single farthing to the
opposite party, this Court deems it just and proper to dispose of the
revision application on its own merit on the basis of the materials
available on the record.

Petitioner is aggrieved by and dissatisfied with the
impugned order dated 24th of April, 2018 passed by learned
Principal Judge, Family Court, Jamui in Maintenance Case No.
64M of 2014 whereby and whereunder the learned court below
directed the petitioner to pay a sum of Rs. 4,000/- per month to the



wife-opposite party as well as Rs. 1,000/- per month to the son of the wife-opposite party as maintenance from the date of filing of the said maintenance case i.e. from 21.04.2014.

It appears on perusal of the impugned order that the marriage between the petitioner and the opposite party is admitted. The wife of this petitioner alleged that she has been thrown out of her matrimonial house when her family could not meet the demand of dowry. In this connection, Mahila Jamui P.S. Case No. 05 of 2013 was also lodged.

The opposite party-husband though lodged a case under Section 9 of the Hindu Marriage Act for restitution of conjugal rights but it was all for purpose of getting reliefs in the criminal case lodged by the opposite party-wife. In the bail matter the husband-petitioner gave an undertaking before the learned District Judge to keep the opposite party with full dignity and care and got bail on that basis. It is alleged that after some time he again left her and ousted her from the matrimonial house. She has deposed that she had no independent source of income whereas her husband is running a shoe business at Calcutta.

The case of the applicant-wife was supported by her father Rajendra Das (A.W.2). A.W.2 was not even cross-examined on behalf of the opposite party-husband. A.W.2, who has not been cross-examined, has stated that the opposite party-husband has his



own shoe shop at Calcutta from which he earns Rs. 20,000/- per month.

The opposite party-husband had himself deposed in course of evidence. He has stated that he works as a labourer. The learned court below has concluded that the husband of the applicant-wife has a business of shoe and slipper at Calcutta by which he earns Rs. 20,000/- per month. No contradiction in the evidence of A.W. 1 and A.W.2 could be found, therefore, considering the entire materials on the record, the learned court below has directed the petitioner to pay a sum of Rs. 4,000/- per month to his wife and Rs. 1,000/- per month to his son who is minor from the date of the application.

The impugned order passed by the learned court below is only based on the materials on the records, hence this Court finds no reason to interfere with the same.

This revision application is dismissed.

Let the court below enforce the impugned order.

(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'.

