

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.786 of 2018

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

Md. Shamim Akhtar Son of Late Haji Md. Salim @ Salim, Residing at Refinery Township, Barauni, Quarter No. D/1- 193, P.S.- Town, Post-Begusarai, District- Begusarai and at present residing at Refinery Township, Barauni, Quarter No. D1F/1, P.S.- Town, Post- Begusarai, District- Begusarai.
... .. Petitioner

Versus

Shabina Bano Wife of Md. Shamim Akhtar, D/o Quamuddin, Resident of Refinery Township, Barauni, Quarter No. D/1-193, P.S.- Town, Post-Begusarai, District- Begusarai, at present residing at Baro Quadir Chak, P.O.- Baro, P.S.- Fulbaria, District- Begusarai
... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr. S.K. Lal, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 04-08-2022 No one appears on behalf of the petitioner.

Mr. S.K. Lal, learned Advocate for the opposite party
is present.

Since this case is of the year 2018 and it relates to
maintenance of a neglected woman, this Court deems it just and
proper to dispose of the present application on the basis of the
materials available on the record.

The petitioner has moved this Court for setting aside
of the judgment dated 27.04.2018 passed by learned Principal
Judge, Family Court, Begusarai in Maintenance Case No. 181M
of 2018. By the impugned judgment, the learned Principal
Judge, Family Court, Begusarai has directed the husband-



petitioner to pay a sum of Rs.8,000/- per month to the applicant-wife and Rs.5,000/- per month to his daughter till her marriage. Further direction is to bear her marriage expenses as per his own admission.

The office of the General Manager, Indian Oil Corporation, Barauni Refinery has been directed to deduct the aforementioned amount of maintenance from the salary of the petitioner who works as Equipment Operator and in terms of the direction of the learned Principal Judge, Family Court, the amount is being deducted from the salary of the petitioner and the same is getting remitted to the court per month.

It appears that earlier while moving this application, learned counsel for the petitioner submitted before this Court that without assessing the financial health of the petitioner in correct perspective the quantum of maintenance has been fixed.

Learned counsel for the opposite party has drawn the attention of this Court towards the deposition of the petitioner in the learned court below. It is submitted that the petitioner has himself admitted at the relevant time that his basic pay was Rs.40,000/- per month. It is submitted that on the face of the admitted position with regard to the salary of the petitioner, the learned court below has not committed any error by awarding a



sum of Rs.13,000/- together for his wife and the minor daughter.

This Court has perused the records and finds substance in the submission of learned counsel for the opposite party. It is well settled by judicial pronouncements that the neglected wife and the minor daughter of a person is entitled to live in equal status in which that person is living. In this case if the petitioner is getting his salary in the range of Rs.40,000/- and above, there is no reason as to why he cannot part with Rs.13,000/- in favour of his wife and minor daughter. He is also obliged to bear the marriage expenses of his daughter and this is his own admission in course of evidence.

Before this Court parts with this order, it is important to note that the learned court below has directed the employer to deduct the maintenance amount from salary of the petitioner and remit it to the court per month. Remittance to the court is causing hardship to the opposite party as she is required to go every month for withdrawal of the said amount and in the process she has to incur expenses.

This Court, therefore, directs the employer to deduct the amount as per the order of the learned Principal Judge, Family Court, Begusarai but remit it directly in the account of the wife and daughter of the petitioner. Both of them shall



provide their account numbers to the employer of the petitioner.

This application stands disposed of accordingly.

(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'.

