

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.549 of 2022**

**In
CRIMINAL REVISION No.711 of 2018**

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Sanjay Kumar Son of Ram Sudin Prasad, Resident of Village- Madhepur P.S.
- Dalsingsarai, Distt. - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mamta Devi W/o Sanjay Kumar, Resident of Village - Madhepur P.S. -
Dalsingsarai Distt. - Samastipur at present Daughter of Ram Chandra Mahto
Resident of Village and P.O. and P.S. - Ghatho, Distt.- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 10-11-2022 Heard learned Counsel for the petitioner.

I.A, No. 01 of 2022 has been filed on behalf of the
petitioner for amendment in paragraph 1 of the petition, as
follows:

“For setting aside the order, dated 23.01.2019, passed
by the Principal Judge, Family Court, Samastipur, passed in
Maintenance Case No. 183 of 2016 whereby and whereunder
the Monthly maintenance has been enhanced as Three thousand
per month.”

Learned Counsel for the petitioner submits that during
the pendency of this application, the learned Principal Judge,
Family Court, Samastipur, has enhanced the maintenance



amount to be given to the respondent no. 2-wife to Rs. 3,000/- in place of Rs. 2,000/-.

Considering the nature of prayer made in this interlocutory application. I. A. No. 01 of 2022 is allowed and the amendment, as sought by the petitioner, be treated to be part of the main petition.

The petitioner has come against the order of interim maintenance, dated 23.01.2019, passed in Maintenance Case No. 183 of 2016, whereby learned Principal Judge, Family Court, Samastipur, has awarded interim maintenance of Rs. 3,000/-per month to be paid by the petitioner to respondent no. 2-wife.

Learned Counsel for the petitioner submits that the respondent no. 2-wife is working as 'Asha Bahu' and has been earning some amount, the quantum of the same is not to the knowledge of the petitioner. He further submits that earlier, a sum of Rs. 1,500/- per month and Rs. 500/- by way of litigation cost (per date) was fixed to be paid by the petitioner to respondent no. 2-wife, which has been enhanced to Rs. 3,000/-.

Taking into consideration the fact that the petitioner has come against the interim maintenance of a meager amount of Rs. 3,000/-, I am not inclined to exercise my extra-ordinary



jurisdiction under Article 227 of the Constitution of India.

This application is, accordingly, dismissed.

However, learned Principal Judge, Family Court, Samastipur, is directed to dispose the maintenance case filed by the respondent no. 2-wife, under Section 125 of the Code of Criminal Procedure, 1973 finally within a period of four months from the date of receipt/production of a copy of this order.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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