

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(BEFORE RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.709 of 2019**

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

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AJAY KUMAR RAUT Son of Hari Narayan Ram Resident of Village -
Birampur, Malahtoli, Ward No.30, P.O.- Aurangabad, P.S.- Aurangabad, Dist.-
Aurangabad.

... .. Petitioner

Versus

1. The State of Bihar
2. Soni Devi W/o Sri Ajay Kumar Raut , D/o Late Nand Kishore Prasad
Resident of Village - Keshopur, Barun, P.O.- Barun, P.S.- Barun, Dist.-
Aurangabad.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Vijay Kumar Sinha,Advocate
For the Respondent/s	:	Mr.Dashrath Mehta,APP
For the Informant	:	Mr. Bachan Jee Ojha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 16-09-2022 Heard learned counsel for the petitioner and learned
counsel for the opposite party as also Mr. Dashrath Mehta,
learned APP for the State.

Petitioner in the present case is aggrieved by and
dissatisfied with the part of the judgment dated 13.2.2019
passed by learned Principal Judge, Family Court, Aurangabad in
maintenance Case No. 96 of 2016 by which the learned
Principal Judge has allowed the application under section 125
Cr.P.C. in part with respect to the minor daughter of the
petitioner. Petitioner has been directed to pay a sum of Rs.
4000/- per month regularly to his minor daughter.



Yesterday, when this matter was heard for some time, having sensed that the learned Principal Judge has only partly allowed the application that too in favor of the minor daughter and it is not in dispute that the said minor daughter has no other source of income to maintain herself whereas the petitioner has sufficient means to take care of his minor daughter, learned counsel for the petitioner sought an adjournment to seek instruction from his client.

Today, once again prayer for adjournment has been made.

This Court finds that the maintenance case was lodged in the year 2016. The impugned judgment was passed on 13.02.2019 whereunder the learned Principal Judge has dismissed the case of the applicant-wife but allowed the maintenance in favour of the minor daughter.

Mr. Bachan Jee Ojha, learned counsel for the daughter has informed this Court that the petitioner is not regularly paying the maintenance amount as on today the outstanding is of about one and half year. It is his submission that in the present day's economic condition and the price index of the country a sum of Rs. 4000/- cannot be said to be an unreasonable and excessive amount.



Having regard to the facts and circumstances and the materials present on the record as mentioned herein above, this Court is satisfied that the learned Principal Judge, Family Court Aurangabad has considered the entire materials on the records as regards the claim of the minor daughter and having noticed that this petitioner has got two storied house in Aurangabad and further he has some income by way of salary also as deposed by the applicant's side, has committed no error in awarding a sum of Rs. 4000/- per month to the minor daughter. The conduct of the petitioner is not paying the said amount regularly to his minor daughter is deprecated. He has made his own minor daughter to contest this case to defend the order of the court. In such circumstances, this Court deems it just and proper to impose a cost of Rs. 25000/- which would be payable by him to his minor daughter along with the arrears of maintenance and the current maintenance. The learned Principal Judge, Family Court, Aurangabad shall proceed to execute the order and while doing so shall also realise the cost amount from the petitioner in accordance with law as expeditiously as possible.

This Court makes it clear that so far as the reasoning provided in the impugned order with regard to the rejection of claim of the applicant-wife, this Court has not gone into the



same and this order would not reflect upon the contentions of the applicant-wife in respect of her claims.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

