

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1011 of 2018

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

Kapildeo Prasad @ Kapildeo Muni S/o Late Budhan Mahto, R/o Vill.- Nahub,
P.S.- Rajgir, District- Nalanda, at present residing at west Rajgir Parisadan,
P.S.- Rajgir, District- Nalanda.

... .. Petitioner

Versus

1. The State of Bihar
2. Samphulwa Devi @ Shyamphal Devi W/o Kapildeo Prasad, R/o Vill.- Nahub, P.S.- Rajgir, District- Nalanda at present residing at Vill.- Muzaffarpur, P.S.- Silao, District- Nalanda.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.Sri Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 27-07-2022 Once again no one appears for the petitioner. On 15.07.2022 this Court had passed over the matter finding that there was no representation on behalf of the petitioner.

Since this case is of the year 2018 and it relates to payment of maintenance allowance to the opposite party no.2, this Court deems it just and proper to dispose of the present application on the basis of the materials available on the record.

A perusal of the impugned judgment would show that the applicant – wife is the legally wedded wife of the present petitioner. She produced as many as three witnesses in support of her case on the point that she has no independent source of income, whereas the petitioner has retired as a Headmaster and



is getting pension of Rs. 25,000/- per month. He has got five bighas of agricultural land also.

It further appears that this petitioner took a stand that his first marriage was solemnized with one Laxmi Devi and from the said wedlock he got two sons and two daughters. His first wife died in the year 2003. The petitioner also retired in the same year. The opposite party (applicant – wife) was also married earlier to one Prakash Prasad in the year 1982 but her husband left her whereafter he became traceless. The petitioner having come to know the plight of the opposite party and belonging to the same caste kept her with himself, entered into a marriage agreement and got entered her name in the pension papers and life insurance policy. He also purchased land in her name. Having said so the petitioner took a stand that the opposite party wanted to provide more and more benefits to her father and brother and she had developed an illicit relationship with a person.

The learned court below has found that the allegations made by the petitioner could not be proved.

Having noticed the fact that the petitioner is a retired Headmaster and is getting a pension of Rs. 25,000/- per month, the learned court below has fixed a sum of Rs. 4000/- per month



towards the maintenance of the opposite party. Even in his present petition, in paragraph '3' the petitioner admits to the extent that he is a retired Headmaster but according to him he earns Rs. 14,000/- from pension and Rs. 5000/- from landed property per month. This Court is of the considered opinion that even on his own averment the petitioner cannot succeed in the revision application. A sum of Rs. 4000/- awarded to the applicant – wife who is the opposite party no. 2 before this Court cannot be said to be excessive.

This Revision Application has, thus, no merit. It is dismissed accordingly.

Let the court below enforce the impugned order expeditiously.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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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'.

