

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.769 of 2019

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

MD. SAMAS TABREZ Son of Md. Saliak Resident of Village- Kheda, P.S.-
Jale, District- Darbhanga (Bihar).

... .. Petitioner

Versus

NAGMA PARWEEN Wife of Samas Tabrez D/O Md. Md. Saffique, Resident
of Mohalla - Maharajganj, P.S.- Raffiganj, District - Aurangabad.

... .. Respondent

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 26-09-2022 Learned counsel for the petitioner shall remove all the defects as pointed out by the Stamp Reporter within three weeks from today.

No one appears for the petitioner.

The petitioner in this case is seeking quashing of the order dated 24.04.2019 passed in Maintenance Case no. 35 of 2016 by the learned Principal Judge, Family Court, Aurangabad.

By the impugned judgment the learned Principal Judge, Family Court, Aurangabad has directed the petitioner to pay monthly maintenance of Rs. 3000/- to the applicant-wife.

On perusal of the impugned order it appears that in the learned court below both the parties were duly heard. The case of the petitioner was that his wife has sufficient means and she is earning by selling of vegetables.

The learned court below has found that no evidence in this regard has been brought by the husband-opposite party and as such the



income of the applicant-wife has not been proved. The learned court below has though found that as regards the income of the husband also no evidence has been brought but has taken a view that earlier the court had awarded a sum of Rs. 3000/- per month as aid-interim maintenance and the same was being paid by the petitioner to his applicant-wife.

Earlier the petitioner had paid Rs.10,000/- and Rs. 8000/- as claimed by him in his deposition.

In the given facts and circumstances and the materials available on the record, this court finds that the learned Principal Judge, Family Court, Aurangabad has fixed a meagre sum of Rs. 3000/- per month as maintenance which hardly comes to Rs. 100/- per day.

This court finds no reason to interfere with the same. The application is dismissed.

Let the learned Principal Judge, Family Court, Aurangabad execute the impugned order as expeditiously as possible.

Certified copy of this order shall be made available only after removal of the defects.

(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'

