

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.359 of 2018**

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

Afroz Ansari S/o Rustam Miyan, R/o Village- Ganni, P.S.- Bettiah Muffasil,
District- West Champaran.

... .. Petitioner

Versus

1. The State of Bihar
2. Saheena Khatoon W/o Afroz Ansari, D/o Akhtar Ali , R/o Village- Mahana
Ganni, P.S.- Majhauriya, District- West Champaran. Presently residing at
Mohalla- Agarwa P.S.- Motihari Town District- East Champaran.

... .. Opposite Parties.

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 08-09-2022 No one appears for the petitioner.

Since this application is of the year 2018 and pertains to an order of maintenance awarded to the opposite party no. 2, this Court deems it just and proper to dispose of the revision application on its own merit.

By the impugned order the learned Principal Judge, Family Court, East Champaran, Motihari has directed the husband-petitioner to pay a sum of Rs. 3000/- per month as ad-interim maintenance from 02.12.2016 to 31.07.2017 and to pay a sum of Rs. 4000/- per month w.e.f. 1st August 2017. A cost of litigation of Rs. 5000/- has also been awarded payable by the husband to the applicant-wife.

This Court has found from the impugned order that in



support of her case the applicant wife had produced three witness but the opposite party-petitioner even after putting his appearance through Vakalatnama failed to file his show cause and did not cross-examine the applicant's witnesses. The learned court has found that the husband-petitioner plays musical instrument like D.J. Sound and earns Rs. 10,000/- per month. He has also got two bighas of agricultural land and is having some income from selling milk also. He is living luxurious life with the second wife, whereas the applicant-wife being his first wife is on road.

In the given facts and circumstances of the case, this Court finds that the impugned judgment is a well-reasoned judgment. The amount of maintenance is a meagre amount which needs no interference by this Court in its revisional jurisdiction.

This Revision Application is, thus, Dismissed.

The petitioner is directed to pay the arrears of maintenance within a period of six (6) months from today. The learned Principal Judge, Family Court, East Champaran at Motihari may allow some installment to the petitioner to pay the arrears of maintenance. The petitioner shall continue to pay the current maintenance, failing which the learned court below shall



proceed to execute the judgment for realization of the arrears as well as the current maintenance.

If it is found that the petitioner has not paid the cost of litigation awarded by the learned court below and the maintenance amount during the pendency of this application and has avoided the payment for over five years by now, he would also be liable to pay a sum of Rs. 25,000/- to the O.P. No.2 towards cost within a period of one month from today.

This application stands disposed of accordingly.

(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'.

