

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.820 of 2019**

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

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Baban Chauhan Son of Late Kishore Chauhan Resident of Village-Dumarhar Khurd, P.S-Darauli, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Punam Devi Wife of Baban Chauhan, daughter of Awadh Bihari Chauhan Resident of Village-Dumarhar Khurd, P.S-Darauli, District-Siwan, at present Village-Thepha, P.S-Jiradai, District-Siwan.
3. Dabli Daughter of Baban Chauhan under guardianship of her mother Punam Devi Resident of Village-Dumarhar Khurd, P.S-Darauli, District-Siwan, at present Village-Thepha, P.S-Jiradai, District-Siwan.

... .. Opposite Party/s

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**Appearance :**

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| For the Petitioner/s | : | Mr.Ramadhar Shekhar, Advocate |
| For the State        | : | Mr.Akhileshwar Dayal, APP     |

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

3      21-09-2022                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner in this case is seeking setting aside of the impugned judgment dated 23.04.2019 passed by learned Principal Judge, Family Court, Siwan in Maintenance Case No.86 of 2009. By the impugned judgment, the learned Principal Judge, Family Court, Siwan has allowed a monthly maintenance of Rs.2000/- per month to the applicant-wife and her minor daughter.

On perusal of the impugned judgment, it appears that both the parties were duly heard. They were given an



opportunity to adduce their respective evidences. Although the opposite party witness no.2 stated in his examination-in-chief that the applicant had performed a second marriage but he could not disclose the name of the petitioner with whom she had allegedly married. The learned Principal Judge found that there is no material at all on the record either by way of oral or documentary evidence to support such plea of the opposite party.

On the other hand, the applicant-wife and her witnesses supported her case by adducing evidences that the opposite party had thrown the applicant and her minor daughter out of the matrimonial house due to non-fulfillment of the demand of dowry. She has also filed a complaint case bearing no.1522/2008.

This Court further finds that the consolidated maintenance amount of Rs.2000/- per month to the applicant-wife and her minor daughter cannot be said to be excessive and even if it is accepted that the petitioner was working as a daily wager, no interference is required with the amount of maintenance.

This revision application is dismissed.

At this stage, learned counsel for the petitioner



submits that the applicant-wife has remarried.

If it is so, it is for him to file an appropriate application in the learned court below to prove the change of circumstances and the date with effect from which the circumstances have changed. This Court cannot form any opinion on this at this stage.

So far as the impugned judgment is concerned, no illegality may be found with the same. Let the impugned judgment be executed.

**(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'.

