

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.670 of 2018**

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

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Ravi Ranjan @ Shambhu Yadav S/o Debcharan Yadav, R/o Vill.- Karamahi,
P.S.- Daudnagar, Distt.- Aurangabad Bihar.

... .. Petitioner

Versus

1. The State of Bihar
2. Ranju Devi W/o Ravi Ranjan @ Shambhu Yadav, R/o Vill.- karamahi, P.S.-
Daudnagar, Distt.- Aurangabad and presently Address- Ranju Devi D/o
Suresh Yadav R/o Vill.- Thegava, P.S.- Fesher, Distt.- Aurangabad Bihar.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh, Advocate
For the Respondent/s : Smt. Veena Kumari Jaiswal, APP

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

4 01-07-2022 Heard learned counsel for the petitioner and Ms. Veena
Kumari Jaiswal, learned A.P.P. for the State.

The petitioner, in this case, is aggrieved by and
dissatisfied with the judgment dated 04.04.2018 passed by
learned Principal Judge, Family Court, Aurangabad in
Maintenance Case No. 186 of 2015, CIS No: Maintenance –
727/2015 whereby the learned Family Court has directed the
petitioner to pay Rs. 4000/- per month as final maintenance to
the O.P. No.2.

By the impugned judgment, the learned Family Court
has directed the petitioner to pay a sum of Rs. 4000/- per month
as maintenance allowance to his wife – opposite party no. 2.



It appears that very soon after the marriage the parties developed a matrimonial discord. The allegation against the petitioner is that he was treating the wife with cruelty and had thrown her out from the matrimonial home after depriving her of her stridhan. In this connection, the wife lodged Daudnagar P.S. Case under the Dowry Prohibition Act as also under Section 379 of the Indian Penal Code. Lastly, she filed an application under Section 125 Cr.P.C. seeking maintenance.

It is the case of the wife, who was applicant in the learned court below, that this petitioner has done bachelor in science and he is engaged in teaching of the students from Class VIII to Intermediate in Daudnagar from which he earns a sum of Rs. 50,000/- per month. It is stated that the petitioner works in the Airtel Company also and after the working hour in the company he is taking the coaching classes and he earns Rs. 15,000/- per month from Airtel Company. He has also got five bighas of irrigated land.

Contesting the case of the applicant in the learned court below, the husband, who is petitioner before this court, alleged that the applicant is a quarrelsome lady and she indulges in abusing her husband and she assaults her husband and this has been a news published in the newspaper. The petitioner



submitted that he is a daily wager and earns only a sum of Rs. 2000/- per month. He has no land.

In support of their respective stand, while the applicant - wife produced three witnesses in the family court, the opposite party-petitioner did not produce any witness and after appearance through Vakalatnama he left the pairvy of the case.

Learned Principal Judge, Family Court has noticed that all the three witnesses produced on behalf of the applicant have supported her case, they were not cross examined by the opposite party-petitioner and, hence, their evidence remained intact. It is an admitted position that the applicant is the legally wedded wife of the petitioner before this court. In these circumstances, the learned Principal Judge has awarded a sum of Rs. 4000/- per month as maintenance allowance to the applicant.

Learned counsel for the petitioner has though assailed the impugned judgment but on going through the grounds mentioned in the revision application, this court finds that the petitioner has not taken any plausible ground to say as to why the evidences led on behalf of the opposite party are not fit to be believed. He has not even tried to explain as to why he did not cross examine the witnesses and failed to produce any evidence



otherwise before the learned Principal Judge, Family Court, Aurangabad. Only a bald statement has been made in the revision application that the petitioner does not earn money from private tuition presently and he is very poor person.

When this Court called upon learned counsel for the petitioner to say as to whether the petitioner has complied with the interim order of this court passed on 02.11.2018, learned counsel says that the payment has not been made and petitioner is not contacting him despite his best efforts.

On a reading of the order dated 02.11.2018, this Court finds that while issuing notice to the opposite party an interim order was passed to the following effect :- “In the meantime, the petitioner will pay 50% of the current maintenance amount to the opposite party no. 2 in the first week of each month.”

It is evident from the discussions made hereinabove that the learned Principal Judge, Family Court, Aurangabad has rightly proceeded to direct a payment of Rs. 4000/- per month towards maintenance to the opposite party. Rs. 4000/- in the present days economic condition is a meagre amount and in the nature of the materials present on the record, in the opinion of this Court, the learned Principal Judge, Family Court, Aurangabad has not committed any error in passing of the



impugned judgment.

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

The opposite party may proceed to enforce the judgment in accordance with law.

(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'.

