

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.622 of 2018

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

Md. Mansoor Alam @ Md. Mansur S/o Taiyab Ali, R/o Vill.- Kheragachh,
P.S.- Sikty, District- Araria.

... .. Petitioner

Versus

1. The State Of Bihar
2. Bibi Aaisa Khatoon W/o Mansoor Alam,
3. Naim Minor S/o Mansoor Alam (Under the Guardianship of mother) , R/o Vill.- Khoragachh, P.S.- Sikty, District- Araria, At present C/o Md. Mustafa, R/o Vill.- Rahmatpur Alamnagar, P.S.- Sikty, District- Araria.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Jha, Advocate
For the Respondent/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 01-07-2022 Heard learned counsel for the petitioner and Mr.
Bhanu Pratap Singh, learned APP for the State.

The petitioner in the present case is aggrieved by and dissatisfied with the judgment dated 15th March, 2018 passed by learned Principal Judge, Family Court, Araria in Maintenance Case No. 300 of 2016 whereby and whereunder learned court has awarded monthly maintenance allowance of Rs. 3000/- to O.P. No. 2 and Rs. 1000/- to O.P. No. 3 till his majority.

Learned counsel for the petitioner submits that the petitioner is a daily wager and he earns his livelihood by working as the labourer. It is submitted that learned Principal Judge, Family Court has awarded an excessive amount of Rs.



3,000/- to O.P. No. 2-petitioner No. 1 and Rs. 1,000/- to O.P. No. 3-petitioner No. 2 till his reaching the age of majority. According to him, this amount is required to be reduced.

On the other hand, learned APP for the State has taken this Court through the evidences which have been discussed in the impugned judgment. It has come in course of evidence that the petitioner has thrown out his wife and the minor son out of the matrimonial home because of non-fulfillment of the demand of dowry. The opposite party No. 2 is living at her paternal house where her life has become miserable. She has stated in her evidence that the petitioner-opposite party has landed property as well as is running an atta and rice mill from which he earns Rs. 15,000/- per month. It is his submission that in the given facts of the case and the materials on the record, the maintenance allowance awarded by the learned Principal Judge, Family Court is a meagre sum and even with that amount in the present day it is difficult to sustain.

Having regard to the submissions noted hereinabove and on going through the records particularly the discussions made in the impugned judgment, this Court is of the considered opinion that the learned Principal Judge, Family Court, Araria has awarded a meagre amount taking into consideration the



submission of the husband-petitioner and by no stretch of imagination the amount awarded as maintenance allowance to the wife and son may be said to be excessive. The impugned judgment does not suffer from any illegality or infirmity.

This Court, therefore, refuses to interfere with the same.

This revision application is, thus, dismissed.

(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'.

