

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.735 of 2018

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

Prabhat Kumar Singh Son of Naresh Singh, Resident of Village-
Kachmachiya Tol Bishahri, P.S.- Panjwara District- Banka.

... .. Petitioner

Versus

1. State Of Bihar
2. Guriya Devi, Wife of Prabhat Kumar Singh, Resident of Village-
Kachmachiya Tola Bishahri, P.S.- Panjwara, District- Banka. at present
Daughter of Jai Krishna Prasad Singh, Resident of Village- Kachmachiya
Tol Bishahri, P.S.- Panjwara, District- Banka.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Shiwesh Chandra Mishra, Advocate
For the Respondent/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

- 3 20-07-2022 Heard learned counsel for the petitioner and Mr.
Bharat Lal, learned APP for the State.

The petitioner in this case is aggrieved by and dissatisfied with the judgment dated 19.05.2018 passed by learned Principal Judge, Family Court, Banka in Misc. Case No. 39 of 2015 (Tr. No. 37 of 2018) by which the Opposite Party No. 2-wife has been allowed maintenance amount of Rs.3000/- per month.

Learned counsel for the petitioner has assailed the impugned judgment on the solitary ground that the learned court below has fixed the maintenance allowance without recording a proper finding with respect to the source of income of the



petitioner. It is submitted that as per evidence of the O.P. No. 2, the petitioner was earning Rs.200/- per day from wages.

On the other hand, Mr. Bharat Lal, learned APP for the State submits that this petitioner has got more than one source of income. It has come in course of cross-examination of the petitioner that he had been doing the job of tiling in Delhi and would send Rs. 10-12,000/- to his wife. He has a 5-room pucca house and a grocery shop in his house. His father and uncle, who have deposed, have also given a similar kind of evidence and have accepted that there is a grocery shop in the house of the father of the petitioner. His father has admitted in course of cross-examination that this petitioner has re-married to another lady.

Learned APP submits that the learned court below has allowed only a meager amount of Rs.3,000/- per month towards maintenance of O.P. No. 2 and that too has also not been paid by the petitioner.

Having regard to the submission noted hereinabove and the materials discussed in the impugned judgment particularly the fact that the petitioner is engaged in doing tiling work at Delhi and he has other means of income as well and his father is owning a grocery shop in his house, there being no



liability on him and the amount of maintenance allowed to the wife is a meager amount of Rs.3,000/-, this Court finds no reason to interfere with the same.

The Principal Judge, Family Court, Banka shall proceed to recover the amount and get it paid to the wife as early as possible in accordance with law.

Since the petitioner has not paid a single farthing to the O.P. No. 2 for all these years in the name of litigation, he is directed to pay a sum of Rs.20,000/- as cost of litigation to his wife within one month from today.

If the amount is not paid, the same shall also be realized by the learned court below through the process of court.

This application stands disposed of accordingly.

(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'.

