

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.691 of 2018**

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

Chandan Paswan S/o Acting Paswan, R/o Vill.- Hridyapur Baghmara, P.S.-  
Araria, District- Araria.

... .. Petitioner

Versus

1. State Of Bihar
2. Reeta Devi W/o Chandan Paswan D/o Late Malanand Paswan, R/o Vill.-  
Hayatpur, P.S.- Araria R.S., District- Araria.

... .. Opposite Parties

**Appearance :**

|                    |   |                                 |
|--------------------|---|---------------------------------|
| For the Petitioner | : | Mr. Satish Kumar, Advocate      |
| For the State      | : | Mr. Akhileshwar Dayal, APP      |
| For the O.P. No. 2 | : | Mr. Anil Prasad Singh, Advocate |
|                    |   | Mr. Pankaj Kumar Jha, Advocate  |

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

6      04-08-2022                      Heard learned counsel for the petitioner and learned  
counsel for O.P. No. 2.

The petitioner in this case is aggrieved by and dissatisfied with the judgment dated 3<sup>rd</sup> November, 2017 passed in Maintenance Case No. 94 of 2013 by which the learned Principal Judge, Family Court, Araria has allowed a maintenance allowance of Rs.5,000/- per month to the applicant-wife from the date of the judgment.

It appears on perusal of the records that as per allegations, the petitioner had thrown out his wife on non-fulfillment of the demand of dowry. The applicant-wife claimed that she has no independent source of income whereas her husband has got 6 bighas of cultivable land and he is running a



shop from which he earns at least Rs.10,000/- per month.

Learned court below has recorded that altogether 4 witnesses have been examined on behalf of the applicant-wife to support her claim but the opposite party-husband did not produce any oral or documentary evidence in support of his case. He also left the pairvi of the case and never complied with the interim order by which a maintenance allowance of Rs.1500/- was granted to the applicant-wife.

The learned court having found that the applicant-wife has fully proved her case has awarded the maintenance allowance as stated hereinabove.

Learned counsel for the petitioner has though submitted that the impugned judgment is bad in the eye of law but is unable to controvert the finding recorded by the learned Principal Judge that this petitioner being opposite party there did not bring any evidence at all to support his case whereas the applicant-wife had deposed herself as well as three witnesses came in support of her case.

This Court, therefore, finds no reason to interfere with the impugned judgment.

This Court further finds that the petitioner has not paid a single penny to the opposite party since the order dated



09.05.2016 by which maintenance was allowed to her, this Court directs that in the light of the judgment of the Hon'ble Supreme Court in the case of **Rajnish vs. Neha & Ors.** reported in **(2021) 2 SCC 324**, the entire maintenance allowance shall be recovered from the petitioner with effect from the date the application under Section 125 Cr.P.C. was filed in the learned court below. The petitioner shall also pay interest at the rate of 12% per annum on the arrears of maintenance and a sum of Rs.15,000/- towards cost of litigation to his wife-O.P.

This application stands disposed of accordingly.

**(Rajeev Ranjan Prasad, J)**

SUSHMA2/-

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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'.

