

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.936 of 2018**

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

Md. Salam @ Md. Abdus Salam, Son of Saidur Rahman, Resident of Village-  
Dubri Tola, Anchal +P.S.- Terhagachh, District- Kishanganj.

... .. Petitioner

Versus

1. The State of Bihar
2. Rukhsar Begum, @ Rukhsar Begum, Wife of Md. Salam @ Md. Abdus Salam, Resident of Village- Dubri Tola, P.S.- Terhagachh, District- Kishanganj, at present residing in Village- Saranda, P.S.- Bahadurganj, District- Kishanganj.

... .. Respondent

**Appearance :**

For the Petitioner/s : Mr.Sarangdhar Jha, Advocate  
For the Respondent/s : Mr.Anand Kishore Choudhary, A.P.P.

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

4      26-07-2022                      Once again no one appears on behalf of the  
petitioner to press this application.

Since this case is of the year 2018 and at this stage no one appears for the petitioner, this Court deems it just and proper to dispose of the revision application on its own merit on the basis of the materials available on the record.

Petitioner is aggrieved by and dissatisfied with the impugned order dated 16.05.2016 passed by learned Principal Judge, Family Court, Kishanganj in Maintenance Case No. 52 of 2015/Trial No. 86 of 2015 whereby and whereunder the learned court below has been pleased to direct the petitioner to pay Rs. 5,000/- per month to the opposite party no.2 from the date



of application and arrears of maintenance shall also be payable in six installments within six months from the date of the order.

It appears on perusal of the records that on the application of the wife of the petitioner the maintenance proceeding was started. The applicant examined herself and she was supported by her father who deposed as a witness. Since the opposite party, after putting appearance in the court below left the pairvi of the case, the learned court below fixed the matter for ex-parte hearing. No one cross-examined the applicant and her father who had deposed as a witness.

The learned court below has found that the applicant-wife had no independent source of income to maintain herself whereas the opposite party works as a labourer and technician in a factory, therefore, considering the materials on the record, the learned court below has fixed the maintenance amount at Rs. 5,000/- per month with effect from the date of the application.

This Court finds from the grounds raised in the revision application that the petitioner is challenging the impugned order mainly on the quantum of the maintenance amount. He has stated that he works for his livelihood at Ragwars in the State of Punjab.

This Court finds that the plea is completely vague.



The petitioner has not even disclosed his income from his present occupation. This Court, therefore, understands that the petitioner is not coming clean before this Court and is only trying to avoid the liability by flowing from the impugned judgment.

This Court finds no infirmity or illegality with the impugned judgment. This revision application is dismissed.

Let the court below enforce the impugned judgment expeditiously.

**(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'.

