

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.840 of 2018

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

Rewat @ Piyush S/o Brij Nandan Singh @ Braj Nanan Singh, R/o Vill.- Bari Bazar, P.O.- Munger, P.S.- Kotwali, District- Munger.

... .. Petitioner

Versus

1. State Of Bihar
2. Rupam Kumari D/o Guru Dayal Tribikram, R/o Kora Maidan , P.O.- Munger, P.S.- Kotwali, District- Munger.

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate

Mr. Vikram Singh, Advocate

For the State : Mr. Brajendra Nath Pandey, APP

For the O.P. No. 2 : Mr. Dheeraj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

9 18-08-2022 Heard Mr. N.K. Agrawal, learned Senior Counsel assisted by Mr. Vikram Singh for the petitioner, Mr. Dheeraj Kumar, learned counsel for the O.P. No. 2 and Mr. Brajendra Nath Pandey, learned APP for the State.

The petitioner is aggrieved by and dissatisfied with the order dated 04.06.2018 passed by learned Principal Judge, Family Court, Munger in Maintenance Case No. 252 of 2013 by which the petitioner is directed to pay maintenance amount of Rs.5,000/- per month from the date of filing of the application as well as Rs.25,000/- as litigation cost to the O.P. No. 2.

Learned Senior Counsel for the petitioner has assailed the impugned judgment on the ground that the applicant has failed to demonstrate that she happened to be a legally wedded wife of



the petitioner. It is submitted that the petitioner has filed a suit in the learned court below for a declaration that the marriage dated 14.05.2006 as alleged by the O.P. No. 2 is not performed under the Hindu Customary Rights and Rituals. The said suit is still pending in the court of learned Principal Judge, Family Court, Araria.

On the other hand, learned counsel for the O.P. No. 2 submits that on a bare perusal of the impugned judgment, it would appear that the petitioner appeared in the learned court below but did not produce any evidence in support of his case. He had ample opportunity to prove his case which he miserably failed to do.

It is further submitted that the petitioner is an engineer by profession and he was working as Chairman of International Architecture Research Centre, Jamalpur. It is submitted that the O.P. No. 2 though has a little earning of about Rs.3,000-4,000/- per month from the anchoring work on television but that is not sufficient to maintain herself. At the relevant time, when the impugned judgment was passed, the petitioner was earning a sum of Rs.30,000/- per month as salary and the applicant has in support of her case adduced evidences which have been duly considered by the learned court below.

Mr. Brajendra Nath Pandey, learned APP for the State is present and has endorsed the submission of learned counsel for the O.P. No. 2.



Having regard to the materials discussed hereinabove, this Court is of the considered opinion that the learned Principal Judge, Family Court, Munger has passed the impugned judgment after taking into consideration the entire facts and circumstances and the large number of exhibits as mentioned in paragraph '7' of the impugned judgment. It has been categorically held that the applicant is a legally wedded wife of the opposite party and the opposite party-husband had failed to prove that the applicant is not his wife. The Principal Judge has fixed only a sum of Rs.5,000/- on account of maintenance and a lumpsum of Rs.25,000/- towards litigation cost.

On the face of the materials discussed in the impugned judgment and there being no evidence on behalf of the husband-opposite party to controvert the findings of the learned Principal Judge, this Court finds no reason to interfere with the impugned judgment.

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'.

