

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)**

CRIMINAL REVISION No.999 of 2018

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

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Arun Kumar Sah Son of Sri Sonelal Sah, Resident of Village- Begusarai, P.S.-
Bachhwara, District- Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Punam Devi @ Lajwanti Kumari, Wife of Sri Arun Kumar Sah, Resident of
Village- Begusarai, P.S.- Bachhwara, District- Begusarai. at present at-
Chatti Road, P.S.- Town, District- Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vivekanand Vivek, Adv.

For the State : Mr.Sri Chandrasen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 29-07-2022 Heard learned counsel for the petitioner and Mr.
Chandrasen Prasad Singh, learned APP for the State.

Petitioner, in the present case, is aggrieved by and
dissatisfied with the judgment and order dated 08.05.2018
passed by the learned Principal Judge, Family Court, Begusarai
in Maintenance Case No.88M of 2011 whereby the learned
court below has granted maintenance of Rs.10,000/- per month
to the opposite party no.2.

Learned counsel for the petitioner submits that no
doubt the petitioner is working in the joint Hindu family
business of food-grain with his father but his status is that of an
employee in the business of his father, in such circumstances,
the learned Principal Judge, Family Court is not justified in



awarding a sum of Rs.6000/- per month for maintenance to the applicant-wife and Rs.4000/- per month to the two children. This way the petitioner has been made liable to pay Rs.10,000/- per month to meet the expenses of his wife and two children.

Learned counsel has challenged the impugned order mainly on the point of quantum.

In course of argument, learned counsel submits that family of this petitioner has a business of food-grains and he is also participating in the same business but his income is as an employee. Earlier he was paying Rs.6000/- per month by way of interim maintenance to the opposite party no.2. Learned counsel has given much emphasis on his submission that there is no finding with regard to his income in the impugned order.

Learned APP for the State has opposed the present application. Attention of this Court has been drawn towards the evidences discussed by the learned Principal Judge, Family Court in the impugned order. In course of evidence, on behalf of the present petitioner, the brother of the petitioner deposed as a witness. In his cross-examination, he has admitted that he and his brother lived jointly with his 78 years old father who is Karta of joint Hindu family and runs a food-grain shop where both the brothers are working. When he was called upon to



disclose the income from the shop, he did not disclose the same saying that he had no knowledge of the monthly income of the shop. He further admits that he used to file income tax return in his own name.

A perusal of the impugned order shows that so far as the income of the petitioner is concerned, admittedly he is engaged in running the business of the family in food-grains and the family has got grocery shop. The evidence has also come that the petitioner is running grocery shop and cloth shop in his house and earns Rs. 25000/- to 30000/- per month.

In the totality of the materials available on the record, this Court finds that a sum of Rs.10,000/- awarded as maintenance for the wife and two children cannot be said to be excessive particularly in the present day's economic condition and price index of the Country.

This application has thus no merit. It is dismissed 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'.

