

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.63 of 2021

Arising Out of PS. Case No.- Year-0 Thana- District- Sitamarhi

Prince Kumar s/o- Kumar Gajendra Thakur, resident of village- Chhatauni Bazar, New Mohalla- D.D.C. Kothi, P.O.- Pataura, P.S.- Chhatauni, Distt- East Champaran, Motihari

... .. Petitioner

Versus

Sonam Bharti W/o Prince Kumar, D/o- Anil Kumar Singh At Present R/o Village and Post- Gamharia, P.S.- Majorganj, Distt- Sitamarhi.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Madhurendra Kumar, Advocate
For the Opp. Party	:	Mr.Raj Narayan Mishra, Advocate
		Mr. Uday Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 11-07-2022 Learned counsel for the petitioner is granted two weeks' time to remove the SR defects no. 6(1) to 6(9), as pointed out by office.

Heard learned counsel for the petitioner and learned counsel for the opposite party.

A supplementary affidavit has been filed on behalf of the petitioner. With the supplementary affidavit the petitioner has enclosed his own deposition as well as the deposition of the other three witnesses. Let it be taken on the record.

By the impugned judgment, the learned Principal Judge, Family Court, Sitamarhi has held that the opposite party has no independent source of income to maintain herself. She is presently living in her *maike* and has lodged a case under



Section 498A I.P.C. against the petitioner. Learned Principal Judge has also held on the basis of the evidences available on the record that the petitioner has sufficient earning and properties and taking into consideration those materials the learned Family Court has fixed the maintenance allowance to the present opposite party at Rs. 4000/- per month with effect from the date of the order i.e. 18.12.2019.

Although learned counsel for the petitioner has tried to impress upon this court that the petitioner is earning his livelihood by daily wages work. Towards the end of his argument, learned counsel has admitted at the bar that earlier the petitioner was working in the District Election Office, he knows the computer work and in his own deposition he has admitted that he does entry works in computer. He has done PGDCA course in computer. He has further admitted in his deposition that he was living in double storeyed house which is in the name of his mother but he claims that he has been ousted from the said house after he went into custody in connection with the case under Section 498A I.P.C. lodged by his wife. In course of his evidence, he was, however, unable to satisfy the learned court that he was ousted from the house by his parents.

On the other hand, learned counsel for the opposite



party has submitted that this petitioner has solemnized another marriage even without getting divorce from this opposite party and he is maintaining his second wife.

Having regard to the submissions and the materials available on the record and on finding that the petitioner is himself accepting that he does computer work after obtaining PGDCA in computer and has also a double storeyed house of his parents, this Court finds no reason to interfere with the impugned judgment. A sum of Rs. 4000/- per month in the present days economic condition and the price index of the country cannot be said to excessive in the given facts of this case.

This application has, thus, no merit. It is dismissed, accordingly.

Let the Principal Judge, Family Court, Sitamarhi proceed to enforce the judgment in accordance with law.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

U		T	
---	--	---	--

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'.

