

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(BEFORE RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.924 of 2019**

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

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MUKESH PATEL@MUKESH KUMAR Son of Shankar Ray Resident of Village - Professor Colony, Ward No.10, Chakiya, P.s.- Chakiya, Dist.- East Champaran.

... .. Petitioner

Versus

1. The State of Bihar
2. Suman Devi D/o Tapan Patel Resident of Village - Sudhiya (Bettiah Dih), P.S.- Manuapul, Dist.- West Champaran.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta, Advocate
For the Respondent/s : Mr.Prem Kumar Jha,APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

- 3 16-09-2022 Heard learned counsel for the petitioner and Mr. Prem Kumar Jha, learned APP for the State.

Petitioner in this case aggrieved by and dissatisfied with the order dated 16.04.2019 passed by learned Principal Judge, Family Court, West Champaran, Bettiah by which the learned court has been pleased to allow a maintenance of Rs. 3000/- per month to the applicant-wife.

Learned Counsel for the petitioner submits that the petitioner happens to be a seasonal worker. He has no agricultural land, therefore, the award of maintenance of Rs. 3000/- per month is excessive.

Learned Counsel, however, does not dispute that the



applicant-wife happens to be his legally wedded wife.

Mr. Prem Kumar Jha, learned APP for the state submits that the learned court below has allowed maintenance in a lower side. It is his submission that a sum of Rs. 3000/- is a peanut in the present day's price index and even essential commodities for life may not be arranged from this meager sum. It is his further submission that since the petitioner is not paying this amount to his wife, his conduct is required to be taken note of and an appropriate relief by way of cost be allowed to the wife.

Having regard to the submissions noted hereinabove and the materials available on the record showing that in course of evidence it has come that the petitioner is engaged in a private job, his father runs a shop, he has one bigha of agricultural land and a pukka house, this Court finds that a sum of Rs/- 3000/- awarded to the applicant-wife is not unreasonable much less it may be said to be excessive.

This application has no merit. It is dismissed accordingly.

This Court has noticed that the maintenance case was filed in the year, 2011. More than 11 years have gone thereafter, the petitioner has got engaged his wife in fighting litigation for



maintenance all these years and as it appears from the submission on his behalf he is not paying maintenance even as there is no order by stay of this Court.

In such circumstance, this Court imposes a cost of Rs. 25,000/- upon the petitioner which would be payable by him to his wife together with the arrears of maintenance and the current maintenance.

The learned Principal Judge, Family Court, West Champaran, Bettiah shall proceed to execute the order and ensure that the entire payments with cost be made to the applicant-wife. For purpose of payment of arrears of maintenance, the learned Principal Judge, Family Court, Bettiah may fix some reasonable installments to the applicant-wife if the conduct of the petitioner is found to be bonafide.

This application stands disposed of 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'.

