

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.757 of 2022**

**In
CRIMINAL REVISION No.1038 of 2019**

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Arvind Kumar Mandal @ Arbind Kumar Mandal Son of Shyam Lal Mandal,
resident of Village- Naya Tola, Police Station- Muffasil, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Kiran Devi Wife of Arbind Kumar Mandal, Daughter of Bhudev Mandal,
resident of Village- Naya Tola, Police Station- Muffasil, District- Katihar. At
present address Village Deharganj, Police Station- Hasanganj, District
Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Subhangi Rathore Mr. Viveka Nand Singh, Advocates.
For the Respondent/s	:	Mr.

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

3 30-11-2022 Heard Ms. Subhangi Rathore, learned counsel for the
petitioner.

2. The petitioner has challenged the impugned order dated 17.07.2019 passed by Principal Judge, Family Court, Katihar in Maintenance Case No. 315 of 2018 by which the learned Family Court has awarded a sum of Rs. 3000/- per month as interim maintenance to be paid by the petitioner to his wife i.e., respondent.

3. Learned counsel for the petitioner submits that the petitioner does not have income of Rs. 50,000/- from his coaching centre, hotel and agricultural produce, as alleged by



wife/respondent and the fact of the matter is that the petitioner is a labourer and he earns Rs. 250/- to Rs. 300/- per day as daily wages.

4. The learned Family Court after going through the rival submissions made by the parties has recorded the facts that the respondent/wife is living in her maternal home with her parents and she does not have any independent income to sustain herself. While awarding a sum of Rs. 3000/- per month by way of interim maintenance, the Family court has recorded that it is the sacrosanct duty of the husband to render financial support to his wife even if he has to earn money with his physical labour.

5. Hon'ble Supreme Court in a recent judgment passed in ***Criminal Appeal No. 1693 of 2022 (Arising out of SLP (Crl.) No. 10353/2018) (Anju Gard & anr. vs. Deepak Kumar Garg)***, has held (para 13) that the respondent being an able-bodied is obliged to earn by legitimate means and maintain his wife and the minor child.

6. From the record it appears that the petitioner has been earning a sum of Rs. 9000/- to 10,000/- per month by way of daily wages. The Family Court has awarded a sum of Rs. 3000/- as interim maintenance to the respondent.



7. In view of the aforesaid fact and the fact that the petitioner has approached this Court against the order of the interim maintenance, I am not inclined to interfere with the order impugned. Accordingly, this application is dismissed.

8. However, the learned Family Court is directed to dispose the maintenance petition finally within a period of four months from the date of receipt/production of a copy of this order.

(Anil Kumar Sinha, J)

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