

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1121 of 2016

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

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Kundan Kumar, Son of Vishwanath Prasad, Resident of Village - Madhuban,
P.S. - Madhuban, District - East Champaran.

... .. Petitioner

Versus

1. State Of Bihar
2. Madhuri Kumari Wife of Kundan Kumar, Daughter of Vishwanath Sah at
P.O. - Pakari Dayal, P.S. - Pakari Dayal, District - East Champaran.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.Sri Upendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 03-11-2022 No one appears for the petitioner to press this
application.

By the impugned judgment, learned Principal Judge,
Family Court, East Champaran, Motihari has directed the
husband- petitioner to pay a sum of Rs. 3000/- per month as
current maintenance to his wife (O.P. No.-2). It further appears
that the learned court has directed this petitioner to pay an ad-
interim maintenance amount of Rs. 2000/- which has remained
in arrears and the said amount was to be paid till realization of
the maintenance for an ad-interim period. He has also been
directed to pay a sum of Rs. 5000/- as cost of litigation.

This revision application has been filed almost six
years ago and has remained pending in this Court for all these



years. Today no one has appeared to press this application.

This Court has considered the revision application keeping in view that this relates to maintenance of a neglected woman and in this case the maintenance application was filed by O.P. No. 2 in the year 2009 which was allowed vide impugned judgment dated 19.07.2016. It is not known whether the petitioner is paying the said amount of Rs. 3000/- per month and arrears of maintenance. The conduct of the petitioner in not perusing the revision application cannot be said to be bonafide. This Court further finds that the amount of maintenance awarded is a meagre sum of Rs. 3000/-. In the case of **Anju Garg and Another Vs. Deepak Kumar Garg reported in 2022 SCC Online SC 1314**; the Hon'ble Supreme Court has considered the responsibility of the husband who is able-bodied and able to earn money through physical labour. It paragraph '10' it has been observed as under:-

“10. This Court had made the above observations as the Court felt that the Family Court in the said case had conducted the proceedings without being alive to the objects and reasons, and the spirit of the provisions under Section 125 of the Code. Such an impression has also been gathered by this Court in the case on hand. The Family Court had disregarded the basic canon of law that it is the sacrosanct duty of the husband to provide financial support to the wife and to the minor children. The husband is required to earn money even



by physical labour, if he is an able-bodied, and could not avoid his obligation, except on the legally permissible grounds mentioned in the statute. In ***Chaturbhuj v. Sita Bai reported in (2008) 2 SCC 316***, it has been held that the object of maintenance proceedings is not to punish a person for his past neglect, but to prevent vagrancy and destitution of a deserted wife, by providing her food, clothing, and shelter by a speedy remedy. As settled by this Court, Section 125 Cr.P.C. is a measure of social justice and is specially enacted to protect women and children. It also falls within the Constitutional sweep of Article 15(3), reinforced by Article 39 of the Constitution of India.”

In the given facts and circumstances of the case and law laid down by the Hon’ble Supreme Court in the case of **Anju Garg** (supra), this Court is of the considered opinion that the impugned order needs no interference.

This revision application is dismissed.

Let the learned Principal Judge, Family Court, East Champaran, Motihari proceed to execute the impugned judgment as expeditiously as possible.

(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'.

