

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.925 of 2018**

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

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Anil Kumar Sah S/o Bhagwan Sah Resident of Village - Pasaur, P.S. -
Charpokhri, Dist - Bhojpur.

... .. Petitioner

Versus

Rekha Kumari W/o Anil Kumar Sah D/o Anil Kumar Prasad R/o Village
Pasaur, P.S. Charpokhri, Dist - Bhojpur.

... .. Respondent

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Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate

For the Respondent/s : Mr.Ravindra Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 22-07-2022 Heard learned counsel for the petitioner and learned
counsel for the opposite party.

Petitioner, in the present case, is seeking setting aside
of the judgment dated 19th June, 2018 passed by learned
Principal Judge, Family Court, Bhojpur, Ara in Maintenance
Case No. 144 of 2016 by which the learned court below has
directed the petitioner being husband of the opposite party to
pay 30% of his salary which comes in his hand after deducting
the necessary deductions and loan, if any, taken by the
petitioner.

In this Court, it is not challenged that the opposite
party is the legally wedded wife of the petitioner and presently
she is living in her Maikie with her minor son. She has alleged



torture upon her for non-fulfillment of the demand of dowry. It is also not in dispute that the opposite party has no independent source of income.

On the other hand, the admitted position is that the petitioner is serving in Army and on the date of passing of the impugned judgment he had a salary of Rs. 30,000/- per month.

Considering that the learned court below has allowed 30% of the salary which the petitioner receives after essential deductions and installment of loans, this Court finds no reason to interfere with the impugned order. Any reasonable person would come to a conclusion that if the opposite party and her minor son are left to live with 30% of the salary amount why the petitioner cannot maintain himself with all his liabilities in the remaining 70% of the amount. The impugned judgment does not suffer from any illegality or infirmity.

This Revision Application has, thus, no merit. It is dismissed, accordingly.

Let it be made clear that in no case the petitioner shall try to circumvent the order of the Court by raising other and further grounds to reduce the in-hand salary.

Learned counsel for the petitioner has submitted that the petitioner is willing to resolve the disputes amicably through



mediation and enter into one time settlement with the opposite party. Learned counsel submits that petitioner has to look after his parents also.

Learned counsel for the opposite party submits that he would have no objection to such submission of learned counsel for the petitioner but he is not in a position to make any commitment on this.

Let it be recorded that in the court below no material has been placed on behalf of the opposite party-husband to show that he has any other liability on his head.

Be that as it may, this Court directs that in case the petitioner applies for mediation in this matter in the learned court below, the same will be referred to the mediation centre attached to the learned court where both the parties shall cooperate in course of sitting to reach on an amicable solution of the dispute.

This application stands disposed of with the aforesaid observations.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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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'.

