

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1147 of 2019

In
Miscellaneous Appeal No.592 of 2018

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

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NIRAJ KUMAR S/o Rajendra Prasad Gupta R/o village- Panchayati Akhara,
P.S.- Kotwali, District- Gaya

... .. Petitioner

Versus

POONAM DEVI W/o Niraj Kumar R/o village- Panchayati Akhara, P.S.-
Kotwali, District- Gaya. At present address- D/o Kishori Pd. Gupta Mohalla
Raja Bagicha, P.S.- Rafiganj, District- Aurangabad

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 27-09-2022 No one appears for the petitioner.

This revision application has been filed for setting-
aside the judgment dated 11.05.2018 passed by learned Principal
Judge, Family Court, Aurangabad in Misc. Case No. 203/2015
and Maintenance Case No. 745/2015 by which learned Principal
Judge, Family Court has been pleased to direct the petitioner to
pay a sum of Rs. 3500/- per month to the applicant-wife towards
her maintenance.

This Court has perused the impugned judgment as
well as the grounds raised in the Revision Application.

The relationship between the parties as husband and
wife is not in dispute. It is also not in dispute that the applicant-
wife has no independent source of income and after matrimonial



discord between the parties she has been neglected and that the petitioner is not paying any maintenance to his wife.

Learned court below has considered the evidences adduced by both the parties and having taken note of the materials on the record saying that the petitioner has got sufficient means as he is running a tea shop and has sufficient income to maintain his wife directed him to pay Rs. 3500/- per month.

This Court has perused the evidence of the opposite party-husband. He has admitted in his evidence that he has a tea shop and a house, though he has denied to have tenant in the said house.

In the given kind of materials available on the record, this Court finds that the court below has awarded only a meagre amount of Rs. 3500/- per month which would hardly come to Rs. 115/- approximately per day and by no means it may be said to be an excessive amount.

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

This Court finds that the maintenance case was filed in the year 2015, therefore in case the petitioner is not paying any maintenance to his wife and has kept her engaged in



litigation in the name of pendency of the case, this Court is of the considered opinion that he should pay an additional sum of Rs. 25000/- as cost together with the arrears and current maintenance.

Let the learned Principal Judge, Family Court, Aurangabad proceed to execute the impugned order as well as the cost imposed by this Court.

(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'.

