

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1488 of 2019

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

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1. Subhadra Kumari @ Subhdra Kumari W/o Mukesh Kumar Sinha @ Mukesh Kumar Resident of Village - Chhotki Delha, Near- Biscuit Factory at Gaya, P.S.- Sadar, Distt.- Gaya.
 2. Jiya Sinha D/o Mukesh Kumar Sinha @ Mukesh Kumar under the Guardianship of Subhdra Kumari Resident of Village - Chhotki Delha, Near- Biscuit Factory at Gaya, P.S.- Sadar, Distt.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mukesh Kumar Sinha @ Mukesh Kumar Son of Awadh Kishore Prasad @ Awadh Bihari Prasad At Present Resident of Village - Ram Sagar Talab West Near Dr. Jagdar At Gaya, P.S.- Civil Lines, Gaya, Distt.- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Subodh Kumar Sinha, Advocate
For the State	:	Mr.Parmeshwar Mehta, APP
For the O.P.No.2	:	Mr. Shardanand Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

9 01-12-2022 Pursuant to the order dated 29.11.2022, the opposite party has appeared in person today.

Mr. Shardanand Mishra, learned counsel for the opposite party no.2 has informed on instruction that a sum of Rs.3,81,500/- which is the total arrears of maintenance has been paid by the opposite party no.2 through RTGS and by depositing some of the amount in the account.

Learned counsel for the petitioner admits this fact.

This Court has considered this revision application filed by the applicant-wife and minor daughter of opposite party



no.2 seeking enhancement of the maintenance amount.

By the impugned order, the learned Principal Judge, Family Court, Gaya has directed the opposite party no.2 to pay the maintenance at the rate of Rs. 2500/- per month to the applicant-wife and Rs.1000/- per month for her minor daughter.

The opposite party no.2 who is present in person has informed this Court the presently he is getting a salary of Rs.17,000/- per month. On query made by this Court, he has informed that his personal expenses is about Rs.5000-6000 per month. He has further informed that he has no other dependent. When this Court called upon the petitioner to say as to why his wife should not get an equal amount of at least Rs.5,000/- for her living, he has no answer to this. Learned counsel for him has however come forward to say that this Court should enhance this amount to the extent of Rs.3,000/- per month. Learned counsel, however agrees that for the minor daughter the amount of maintenance may be enhanced to Rs.2000/- per month.

Learned counsel for the petitioners has submitted that the wife and minor daughter must get an adequate amount for their living and it should be commensurate to the status of the husband-opposite party no.2.

Mr. Parmeshwar Mehta, learned APP for the State



submits that the applicant-wife and minor daughter of opposite party no.2 must get a reasonable amount and what has been suggested by this Court is a reasonable amount.

In the given facts and circumstances of the case, considering the salary of the opposite party no.2 even as this Court has not taken into consideration the other properties and income from the other sources at this stage, this Court is of the considered opinion that the maintenance amount to petitioner no.1 be enhanced to Rs.5000/- per month and for the minor daughter (petitioner no.2) it should be enhanced to Rs.2000/- per month. This Court has been informed that the minor daughter is now growing and her needs are also to be considered as a growing child.

The enhanced amount shall be payable with effect from this month. The Court is giving effect to the enhanced amount from this month considering the statement of opposite party no.2 that he got employment in the year 2018 on contract basis. Thus from the month of December, 2022, the opposite party no.2 shall be liable to pay Rs.5000/- per month to his wife and Rs.2000/- per month to his minor daughter which he must keep on depositing in their account every month by 7th day of the month, failing which it will be open for them to file an



appropriate application for realization of the amount.

Mr. Shardanand Mishra, learned counsel for the opposite party no.2 has tried to raise an argument saying that the petitioner no.1 has got gainful employment somewhere after passing of the impugned order. He, however admits that in the impugned order there is no such material as no evidence to that effect was adduced on behalf of the opposite party no.2.

At this stage, this Court would only observe that if at all the opposite party no.2 has any evidence, he has a remedy available in law.

This application stands allowed to the extent indicated hereinabove.

(Rajeev Ranjan Prasad, J)

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