

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.11 of 2019

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

=====

Brajnandan Soni @ Brijnandan Soni Son of Vishwakarma Soni, Resident of
Village - Agya, P.S.- Goreyakothi, District- Gopalganj.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Neeta Devi W/O- Brajnandan Soni, Resident of Village - Agya, P.S.
Goreyakothi, District- Gopalganj. At Present D/O- Banka Pd. Resident of
Village - Dauda Bishunpura, P.S.- Kuchaikote, District- Gopalganj

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Dhramveer,Advocate
For the State	:	Mr.Anand Mohan Prasad Mehta,APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 12-09-2022 By the impugned order, the learned Principal Judge,

Gopalganj has directed the petitioner to pay a sum of Rs. 2,000/-

to his wife and Rs. 1000/- each to his two children.

It appears that in the learned court below, the applicant-
wife produced herself as a witness and she was supported by three
other witnesses on the point that she is a legally wedded wife of
the opposite party-petitioner, has no independent income and she
has been thrown out of her matrimonial house by her husband who
is neglecting her and two minor children. The application for
maintenance was filed in the year 2012.

On behalf of the husband, four witnesses deposed. The
learned Principal Judge, Family Court having perused the
evidences on the record found that wife and the two minor



children had no independent source of income whereas the husband was working at Gujarat in a private factory and he was earning Rs. 15,000/- per month. The learned court below, thus, directed the husband-petitioner to pay the amount stated here-in-above with effect from August, 2012.

It appears from the submissions made on behalf of the petitioners that no payment at all has been made to the applicant-wife and the two minor children.

Learned counsel for the petitioner submits that one of the grounds raised on behalf of the petitioner is that his wife did not want to live with him even as he was always ready to keep his wife with him. It is his further submission that the petitioner is a daily wage labourer.

This Court has gone through the pleadings and the grounds available on the records. There is no challenge to the finding of the learned court below that the applicant is the legally wedded wife of this petitioner and both of them had two children born out of the wedlock. There is also no challenge to the finding that the applicant-wife has no independent source of income and she is living in her *Naihar* after having been thrown out of her matrimonial home. There is neither any statement nor any ground in the revision application to say that the finding of the learned court below about the petitioner working in a factory is incorrect



or not borne out from the evidences on the record.

In the given facts and circumstances and the materials available on the record and also from the submissions of learned counsel for the petitioner, this court finds no ground much less any plausible ground to interfere with the impugned order. The fact that the petitioner has not paid anything to his wife, if found correct by the learned court below the petitioner shall be made liable to pay a sum of Rs. 25,000/- as cost, besides making payment of the entire arrears of maintenance within a period of 9 months in equal monthly installments and the current maintenance in terms of the order.

The learned Principal Judge, Family Court, Gopalganj shall proceed to execute the impugned judgment as expeditiously as possible keeping in mind that for more than 10 years the petitioner has already deprived his wife and two minor children from the maintenance.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

arvind/-

U			
---	--	--	--

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'.

