

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.431 of 2017

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

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Dinesh Mehta, son of Biranchi Mehta, resident of village Balhanpur, P.S. Bakhtiarpur, District Saharsa.

... .. Petitioner/s

Versus

1. Babita Devi, wife of Dinesh Mehta, daughter of Indradeep Singh
2. Simta Kumari
3. Binita Kumari, Both daughters of Dinesh Mehta
4. Golu Kumar, son of Dinesh Mehta, At present residing at village Bangaliya, P.S. Mansi, District Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-02-2023 This criminal revision application has been filed against order dated 16.03.2017 passed in Maintenance Case No. 66 of 2013 under Section 125 of the Cr.P.C. by the Principal Judge, Family Court, Khagaria whereby, the learned Principal Judge has directed the petitioner to pay Rs. 5,000/- (five thousand) per month to the opposite party No. 1 (wife of the petitioner) including opposite party Nos. 2 and 3 (minor daughters of the petitioner) and opposite party No. 4 (minor son of the petitioner), as maintenance allowance.

It is submitted by learned counsel for the petitioner that this petitioner is ready to keep his wife and children with full dignity and honour but wife of the petitioner herself, does not want to live with the petitioner without giving any



satisfactory reason and as such, she is not entitled to any maintenance allowance.

From perusal of the impugned order, it is apparent that because of the misconduct of the petitioner, wife of the petitioner was forced to live in her *mayake* and she has reasonable apprehension of physical harm if she goes with the petitioner. The apprehension expressed by the opposite party No. 1 is sufficient ground for her refusal to live with the petitioner.

I have carefully perused the impugned order. The monthly maintenance allowance of Rs. 5,000/- (five thousand) per month to the opposite parties, above named, in this age of high inflation cannot be said to be excessive or onerous.

In such circumstances, I am not inclined to interfere with the impugned order in the background of facts which have been mentioned in the impugned order.

I do not find any merit in this application. This criminal revision application is, accordingly, dismissed.

(Prabhat Kumar Singh, J)

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