

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1145 of 2017

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

=====

Bisheshwar Prasad S/o Late Dodraj Mahto, Resident of Village- Jaitipur, P.S.-
Islampur, District- Nalanda.

... .. Petitioner/s

Versus

Sona Devi W/o Bisheshwar Prasad, Resident of Village- Jaitipur, P.S.-
Islampur, District- Nalanda.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Parmanand Pd. Nr. Sahi
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-06-2023 The present revision application has been filed by the

petitioner, who is the husband of the sole Opposite Party, against

the order, dated 11.10.2017, passed by learned Principal Judge,

Family Court, Nalanda, at Biharsharif, in Maintenance Case No.

51M of 2013, by which the maintenance case filed by the

Opposite Party has been allowed and the petitioner-husband has

been directed to pay the Opposite Party a sum of Rs. 3,000/- per

month as maintenance.

The Opposite Party-wife filed Maintenance Case No.

51 M of 2013, *inter alia*, on the fact that the marriage between

them was solemnized about 50 years back and the Opposite

Party-wife has three sons and two daughters, who all are living

separately. The petitioner-husband retired from the post of



Assistant Headmaster in the Primary School of Amija Bigha, under Silao Police Station of Nalanda district in the year 1997 and has been getting a sum of Rs. 15,000/- per month as pension. On 29.04.2010, the petitioner-husband ousted the Opposite Party-wife from her matrimonial home and at present, the Opposite Party-wife is living with her daughter at Patna, who is also not economically sound. The Opposite Party-wife has claimed that she is unable to maintain herself and is at the verge of penury. The Opposite Party-wife has claimed a sum of Rs. 5,000/- per month as maintenance. However, by the impugned order, the learned Family Court has awarded a sum of Rs. 3,000/- per month as maintenance in favour of the Opposite Party-wife.

Learned Counsel for the petitioner submits that the parties to the present revision application were married about 50 years back and the present maintenance case has been filed by the Opposite Party-wife at the instigation of her third son. The petitioner-husband is a retired Assistant Headmaster and gets Rs. 15,000/- per month as pension, however, he is maintaining his widowed daughter-in-law and grandson.

I have heard learned Counsel for the petitioner and have gone through the materials available on record, including



the impugned order.

The Opposite Party-wife has adduced five witnesses on her behalf. The petitioner-husband has also produced some documentary evidence, showing that some piece of land was purchased in the name of the Opposite Party-wife.

The learned Family Court has, however, arrived at the finding that the marriage between the parties is not in dispute and the Opposite Party-wife is not residing with her husband and it is difficult to ascertain the income from the land recorded in favour of the Opposite Party-wife. However, it is an admitted position that the petitioner-husband is getting pension per month.

In the case of **Chaturbhuji v. Sita Bai**, reported in **(2008) 2 SCC 316**, the Supreme Court has also held that the object of maintenance proceedings is not to punish a person for his past neglect, but to prevent vagrancy and destitution of a deserted wife, by providing her food, clothing, and shelter by a speedy remedy.

Having heard learned Counsel for the petitioner and upon going through the materials on record, I find that a sum of Rs. 3,000/- per month, which has been awarded as maintenance to the Opposite Party-wife, is not excessive, keeping in mind the



income of the petitioner from his pension, which is Rs. 15,000/-
per month.

Accordingly, I do not find any reason to interfere with
the impugned order.

This application is, accordingly, dismissed.

I. A. No. 2107 of 2018, filed for stay of the execution
of the impugned order, also stands dismissed

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	√		
---	---	--	--

