

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.177 of 2019**

Arising Out of PS. Case No.- Year-0 Thana- MUZZFARPUR COMPLAINT CASE District-
Muzaffarpur

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Smita Srivastava Wife of Sri Sunil Kumar Srivastava Daughter of Late
Ramendra Mohan Sahay, Resident of Flat no. 202, My Home Apartments
Race Course Chakkar Maidan, near Prabhat Tara School, P.S. Qazi
Muhammadpur Town and District Muzaffarpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sunil Kumar Srivastava Son of Akhileshwar Prasad Srivastava Resident of
Mohalla Belbanwa, P.O. Motihari P.S. Motihari Town and District East
Champaran, working as team leader at Feedback Infra Pvt. Ltd. Tarn
Taran,p.s-Tarn Taran, Amritsar, Punjab.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar, Advocate Mr. Hitendra Singh, Advocate
For the Respondent/s	:	Mr. Pawan Kumar Chaurasia, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 15-12-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner/wife has filed the instant revision
application in Maintenance Case No.219 of 2012, being
aggrieved against the quantum of maintenance granted in her
favour as well as against the direction to the effect that the order
of maintenance was directed to be paid from the date of the
order and not from the date of the application.

3. It is submitted by the learned advocate for the
petitioner that the petitioner at the time of hearing submitted



certain bank statements where from it appears that the opposite party no.2/husband used to earn Rs.2,33,821/- at the relevant point of time as a Project Manager of an Engineering project. According to the petitioner, the amount of maintenance fixed by the learned Principal Judge, Family Court at Muzaffarpur vide order dated 28.11.2018 is in sufficient in comparison to her social status and present market price of the essential articles. The amount of maintenance for the minor son is also inadequate. In view of the fact that today more than Rs.5000/- is required per month even for academic fees of child. It is also contended by the learned advocate for the petitioner that the learned Judge failed to appreciate that the order of maintenance ought to have been passed from the date of application.

4. I have perused the impugned order in para-6 of the order, it is clearly stated by the learned Principal Judge, Family Court, Muzaffarpur that the applicant at the time of hearing submitted some bank statements of an account maintained by the opposite party no.2/husband. The said bank statements have not been considered by the learned Judge.

5. In my considered view, if a husband earns Rs.1,50,000/- per month or Rs.2,33,821/- per month, the amount of maintenance payable to his wife must be higher than what



has been decided by the learned Principal Judge, Family Court, Muzaffarpur.

6. In view of such circumstances, I find that the impugned order has been passed illegally and the learned Judge failed to exercise his jurisdiction judiciously.

7. Accordingly, the impugned order is set aside and the learned Principal Judge, Family Court, Muzaffarpur is directed to give a chance to the applicant to bring the bank statements in evidence by marking them as Exhibits and thereafter, passed a reasoned order with regard to amount of maintenance for the petitioner and her minor child and the period from which the said maintenance amount would be payable to the petitioner by the opposite party no.2.

8. The learned Principal Judge, Family Court, Muzaffarpur is also requested to disposed of the maintenance case expeditiously and preferably within a period of six months from the date of communication of this order.

9. With the above order, the instant revision is disposed of.

(Bibek Chaudhuri, J)

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