

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1073 of 2016

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

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Gulshan Khatoon wife of Moti Rahman, daughter of Mohammad Hussain,
Resident of Village- Manika Vishunpur Chand, P.S.- Mushahari, District-
Muzaffarpur.

... .. Petitioner/s

Versus

Moti Rahman son of Phool Mohammad, Resident of Village- Manikpur, P.S.-
Minapur, District- Muzaffarpur.

... .. Opp. Party

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

For the Respondent/s : Mr. Rakesh Kumar Shrivastava, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 04-04-2023

Heard learned counsel for the petitioner and learned
counsel for the opposite party.

The present criminal revision has been filed by the
petitioner for enhancement the quantum of maintenance passed
vide order dated 19.08.2016 in connection with Maintenance
Case No. 152 of 2013 by which Principal Judge, Family Court,
Muzaffarpur is directed to pay maintenance amount of
Rs.1000/- per month.

Counsel for the petitioner submits that O.P. is admittedly
working in a garage. He is a technician/mechanic. Counsel
further submits that as per the standard rate of the government
under Minimum Wages Act, he shall come within the category

of skill person for whom minimum wages is not less than 700/- per day, as such his monthly income may be treated as Rs.21,000/- per month.

Counsel for the opposite party submits that it is true that opposite party is a mechanic but every day there is no work. He humbly submits to the court that amount may be enhanced but only up to that extent he is in a position to pay and do respect the court order. He further submits that there is also arrear of the court which comes to the tune of Rs.1,06,000/- as Rs.1000/- per month being maintenance under Section 125 of Cr.P.C. and Rs.34000/- as arrear of ad-interim maintenance Rs.2000/- per month i.e. total comes Rs.1,40,000/-.

Counsel further submits that he has already paid some of the arrear and ready to pay the rest amount towards arrear in four equal installments after every two months.

Upon going through the offer, this court feel appropriate that the maintenance amount which has been fixed by the Principal Judge, Family Court, Muzaffapur as Rs.1000/- per month be enhanced as Rs.2000/- per month, the arrear amount shall directed to be paid within four equal installment.

Principal Judge, Family Court is directed to fix the four equal installment for payment of arrear of maintenance amount

(interim and u/s 125 of Cr.P.C.). It is made clear that in case the opposite party shall fail to pay the maintenance amount, current and arrear, the family court is free to proceed under Form No. 18/19 Schedule-II of Cr.P.C. for realization of the said amount after lapse of two months from the date of production of the order but if payment is continued, there is no need of taking coercive steps.

With this direction, the present Criminal Revision application is disposed off.

It is made clear that all the payment shall be made in the account of petitioner, which she shall furnish before the family court in the form of application at the time of production of the said order.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	