

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.305 of 2019

Arising Out of PS. Case No.- Year-0 Thana- District- Nalanda

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DILIP KUMAR Son of Mohan Singh Resident of Village- Dhanama Dih,
Police Station- Sarmera in the District of Nalanda.

... .. Petitioner/s

Versus

GUNJAN KUMARI Wife of Dilip Kumar and Daughter of Sigheshwar Singh
Resident of Mohalla - Patel Nagar, near S.P. Bhawan, Police Station - Laheri
in the district of Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar, Advocate Mr. Navin Sharma, Advocate
For the Respondent/s	:	Mr. Sunil Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 15-12-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner/husband has approached this Court against an interim order of maintenance directing the petitioner to pay maintenance at the rate of Rs.8,000/- per month to the opposite party, by passing an order dated 03.12.2018 in Maintenance Case No.114(M) of 2017.

3. I have perused the order, the order of interim maintenance dated 03.12.2018 is very cryptic, the learned Principal Judge, Family Court, Nalanda at Biharsharif did not even consider the financial capacity of the opposite party.

4. A series of documents have been annexed by the learned advocate for the petitioner in order to show that the



marriage of the parties was solemnized on 20.05.2013, after few days of marriage, the opposite party become seriously ill. She had to transplant her kidney. The petitioner spend entire expenditure for her treatment by taking loan from her office and bank. He is paying EMI for repayment of loan amount. Therefore, the observation made by the learned Judge that the petitioner earns Rs.40,000/- per month is improper.

5. Considering the impugned order, the same is modified directing the petitioner to pay interim maintenance at the rate of Rs.5,000/- per month to the opposite party.

6. The learned Principal Judge, Family Court, Nalanda at Biharsharif is directed to take all endeavor to disposed of the maintenance proceeding at the earliest.

7. Accordingly, the instant revision application stands disposed of.

(Bibek Chaudhuri, J)

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