

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.59 of 2017

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

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Rajesh Paswan S/o Late Jagdeo Paswan, Resident of village - Awawakpur,
P.S. Goraul, District - Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Mamta Devi, W/o Rajesh Paswan, Resident of village - Awawakpur, P.S. Goraul, District - Vaishali , Presently D/o Yogi Paswan, R/o village - Singhara Bujurg, P.S. Mahua, District - Vaishali

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anish Chandra
For the Respondent/s : Mr.Pramod Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-02-2023 This criminal revision application has been filed on behalf of petitioner against the order dated 04.04.2016 passed in Maintenance Case No. 65 of 2015 by the learned Principal Judge, Family Court, Vaishali.

The petitioner is husband of opposite party No. 2. By an order dated 04.04.2016 passed in Maintenance Case No. 65 of 2015 by the learned Principal Judge, Family Court, Vaishali, the petitioner has been asked to pay monthly maintenance allowance at the rate of Rs. 3000/- per month to opposite party No. 2.

Learned counsel appearing on behalf of the petitioner has submitted that the *ex parte* impugned order has been passed



because the petitioner is a labourer in a shop of tire resole and repair and earn Rs. 250/- per day as daily wage and due to sickness could not pursue the matter before the court below. He has also submitted that the earnings of the petitioner is not much so as to pay monthly maintenance allowance at the rate as directed by the court below.

Perusal of impugned order goes to show that despite sufficient opportunities, petitioner did not appear or filed any show-cause. The monthly maintenance allowance of Rs. 3000/- per month cannot be said to be excessive. In such circumstance, I am not inclined to interfere with the impugned order in the background of the facts, which have been mentioned in the impugned order.

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

(Prabhat Kumar Singh, J)

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