

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1187 of 2016

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

Amola Devi @ Amo Devi wife of Ram Bilas Paswan D/o Late Kameshwar Paswan resident of village Mohanpur, P.S.Kashichak, P.O. Khakhari, District Nawada.

... .. Petitioner/s

Versus

1. State of Bihar.
2. Ram Bilas Paswan son of Lalo Das resident of village Karota, P.O., P.S. and District Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amar Nath Singh, Adv.
For the Respondent/s	:	Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

7 05-04-2023 Counsel for the petitioner and counsel for the O.P.
No. 2 are present.

Counsel for the petitioner submits that the present Cr. Revision has been filed against order dated 22.08.2016 passed by the Principal Judge, Family Court Nawada in maintenance Case No. 45 of 2012 under section 125 of the Cr.P.C., by which the maintenance amount has been allowed in favour of the petitioner i.e. Rs. 3,000/- per month, which is inadequate and application has been filed for enhancement of the said maintenance amount from the date of judgment i.e. 22.08.2016.

Vide order dated 03.11.2022, the counsel for the petitioner has submitted that O.P. No. 2 is a retired teacher and

his monthly pension is approximately Rs. 40,000/- per month. This Hon'ble Court has pleased to issue notice upon O.P. No. 2 under both the process, upon which the O.P. No. 2 has appeared.

Vide order dated 05.12.2022, O.P. No. 2 was directed to file his reply with the updated information with regard to the pension amount and other pensionary benefits, which he is receiving or has received so far. It was also directed to him to disclose his other assets, both movable and immovable.

Counsel for the O.P. in response of the order, filed a reply in which he came with a pleading that his pension is Rs. 28,450/-.

In the light of the submissions made, the counsel for the petitioner submits that there is no liability of the O.P., he is living alone, therefore, Rs. 10,000/- per month as maintenance may be directed to pay to the petitioner.

As per the order, which is under challenge, the Court has fixed the maintenance amount for the petitioner Rs. 3,000/- per month. But this Court, in the facts and circumstances of this case, deem it fit and appropriate that the said maintenance amount be enhanced to Rs. 5,000/- per month from date of order i.e. from today onwards.

Counsel for the petitioner submits that petitioner is

receiving payment of maintenance every month.

Counsel for the O.P. submits that there is not a single penny arrear and O.P. is paying maintenance in the light of order passed by the Court and he also assures to this Court that he shall obey the order passed by the Court and shall start the payment of maintenance of Rs. 5,000/- per month from the month of April, 2023 onwards.

With the aforesaid direction, the present Cr. Revision is hereby allowed and order under challenged enhancing maintenance has been increased from Rs. 3,000/- to Rs. 5,000/- per month.

(Dr. Anshuman, J.)

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