

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1054 of 2017

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

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Archana Anand daughter of Sri Anant Kumar Thakur, Wife of Ratnesh Kumar Thakur, Resident of Mohalla- Subhash Palli, Ward No. 3, Kishanganj, P.O. and Police Station- Kishanganj, District- Kishanganj, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Ratnesh Kumar Thakur, Son of Shri Triveni Thakur, Resident of Village- Kanki Tola, P.O. and P.S.- Sahu Parbatta, District- Bhagalpur.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Lalan Kumar, Adv.
For the Respondent/s : Mr. Jagdhar Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 09-05-2023

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The present Criminal Revision Application has been
filed to revise the order dated 20.09.2017 passed by Principal
Judge, Family Court, Kishanganj in Maintenance Case No. 90
of 2016/CIS No. 94 of 2016 (Trial No. 90 of 2016). In the
maintenance case, the petitioner grievance and prays for Rs.
15,000/- (Rupees Fifteen Thousands) for herself and Rs.
10,000/- (Rupees Ten Thousands) for her child as maintenance
and 20,000/- (Rupees Twenty Thousands) as interim

maintenance during the course of pendency of the proceeding in the court. The grievance of the petitioner partly allowed and given direction to the opposite party to pay Rs.4,000/- (Rupees Four Thousands) per month to applicant for maintenance of daughter until she is married. The said amount shall be payable to applicant in the first week of each month from the next month from the date of order dated 20.09.2017.

Learned counsel for the petitioner submits that he is pressing this Cr. Revision only and only for enhancement of the maintenance amount for her child. Learned counsel for the petitioner submits that the order of payment of maintenance has been made at the tune of Rs. 4,000/- (Rupees Four Thousands) per month is less in the present scenario. He submits that the said order was passed on 20.09.2017 i.e. about five and half year back but opposite party is not paying single penny. Learned counsel further submits that the payment of school fee of the petitioner's daughter is presently more than 5,000/- (Rupees Five Thousands) so at least this should be enhanced and direction be made to make the payment of arrear.

Counsel for the State submits that from the record, it transpires that after marriage the family of the petitioner have provided help to O.P. No.2 for study, they provided every

financial help due to which he has completed his course of BDS. It also transpires from record that the in-laws family is still paying the installment of the money which they have expensed for his studies in Dental college. The document relating to payment of installment to the bank has been discussed in the order sheet by the Principal Judge, Family Court. It is also come that after passing, the O.P. No.2 has started his own clinic.

It has also come that petitioner is working a nurse and having her own income.

In this background, this Court is not inclined to interfere in the order dated 20.09.2017 passed by Principal Judge, Family Court, Kishanganj in Maintenance Case No. 90 of 2016 and directed the petitioner that from her own earning was maintained herself as well as to her daughter. Support has already been made by her husband by virtue of the payment order passed by the Court Rs. 4,000/- (Rupees Four Thousands) per month.

In this view of the matter, the present Cr. Revision application is hereby set aside.

Principal Judge, Family Court, Kishanganj is directed to calculate the arrear and then take all process for recovery of the said amount from the opposite party including issuance of

process under Form 18/19 of Schedule-II of Cr.P.C. 1973 as well as steps described in the case of **Sarfaraj Alam @ Md. Sarfaraj Vs. State of Bihar & Ors.** reported in **2023 (1) PLJR 756.**

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	