

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.55 of 2017

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

Chandrashekhar Prasad @ Chander Shekhar Pd. son of Krishna Prasad,
Resident of Village- Bishunpura Bazar, Police Station- Sidhwaliya, District-
Gopalganj Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Bably Devi, wife of Chandrashekhar Prasad, daughter of Harihar Prasad,
Resident of Village- Bishunpura Bazar, Police Station- Sidhwaliya, District-
Gopalganj. At present resident of Village Chainpur, Police Station-
Goreyakothi, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 21-02-2023

IA No. 326 of 2017

This interlocutory application has been filed on
behalf of petitioner for condonation of delay in preferring this
revision application.

In view of reasons assigned, the delay is hereby
condoned. Accordingly, IA No. 326 of 2017 stands allowed.

This criminal revision application has been filed on
behalf of petitioner against the order dated 05.12.2015 passed in
Misc. Case No. 93 of 2011 by the learned Principal Judge,
Family Court, Siwan.

The petitioner is husband of opposite party No. 2.
By an order dated 05.12.2015 passed in Misc. Case No. 93 of
2011 by the learned Principal Judge, Family Court, Siwan, the



petitioner has been asked to pay monthly maintenance allowance at the rate of Rs. 4000/- per month to opposite party No. 2 (wife of the petitioner).

Learned counsel appearing on behalf of the petitioner has submitted that the *ex parte* impugned order has been passed. He next submits that the petitioner is unemployed and he is unable to pay maintenance allowance to the Opposite Party No. 2 (wife) at the rate as directed by the court below.

Paragraph No. 4 of the impugned order shows that petitioner appeared and filed his show-cause.

I have carefully perused the impugned order and there is no illegality or irregularity in the order. The monthly maintenance allowance of Rs. 4000/- per month cannot be said to be excessive in view of needs and necessities of life. 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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