

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.610 of 2017

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

Sukhendra Yadav, Son of Late Nageshwar Yadav, Resident of Village- Dehuri,
P.S.- Chandauti, District- Gaya.

... .. Petitioner

Versus

Neelam Devi @ Asha Devi Wife of Sukhendra Yadav, Resident of Village-
Dehuri, P.S.- Chandauti, District- Gaya, At present Address D/o Late Durga
Yadav, Resident of Village- Habipur, P.S.- Chandauti, District- Gaya.

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Kamal Kumar Sinha, Advocate
For the Opposite Party : Mr. Ashok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 04-12-2023 Heard learned counsel for the petitioner and learned
counsel for the opposite party.

2. The petitioner is aggrieved by and dissatisfied with the order dated 25.03.2017 passed by learned Principal Judge, Family Court, Gaya on an application under Section 127(1) of the Code of Criminal Procedure vide Misc. Case No. 75 of 2012 arising out of Misc. Case No. 214 of 2005. By the impugned order, the learned Principal Judge has been pleased to enhance the maintenance amount earlier awarded to the opposite party at the rate of Rs.1,200/- per month vide order dated 07.04.2009. By way of enhancement, the learned court has fixed Rs.2,500/- per month.

3. Learned counsel for the petitioner submits that the petitioner was ordered to pay Rs.1,200/- per month and he was

paying the same for about eight years but in the year 2017 vide the impugned order, the maintenance amount has been enhanced to the extent of 100% which should not have been done.

4. On the other hand, learned counsel for the opposite party submits that enhancement has been done after about eight years and it is perfectly in accordance with the rising pricing index of the country. It is submitted that it is not the case of the petitioner that he is not an able-bodied person. If he is an able-bodied person, it is his pious and legal obligation to maintain his wife.

5. It is submitted that now-a-days even a labourer earns between Rs.350-400/- per day in village, therefore, the maintenance amount increased by the family would hardly be about 30% of the per day wages of a labourer. Referring to the judgment of the Hon'ble Supreme Court in the case of **Anju Garg and Another versus Deepak Kumar Garg** reported in **2022 SCC Online SC 1314**, learned counsel submits that no interference is required from this Court and the impugned order be allowed to be executed.

6. Having regard to the facts and circumstances of the case and on perusal of the records, this Court finds substance in the submission of learned counsel for the opposite party. The

learned Principal Judge, Family Court has enhanced maintenance amount from Rs.1,200/- to Rs.2,500/- after eight years and considering the present price index of the country, such enhancement cannot be said to be without any reason. It is not the case of the petitioner that he does not earn sufficient to pay the given amount to his wife.

7. Whatever is the difference amount which the petitioner has not paid shall be paid by him to the opposite party in appropriate installments which will be fixed by the learned Principal Judge, Family Court, Gaya.

8. This revision application has no merit. It is dismissed.

(Rajeev Ranjan Prasad, J)

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