

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.83 of 2019

In
Miscellaneous Appeal No.986 of 2017

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

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Randhir Kumar Jha, son of Sri Vishwanath Jha, Permanent resident of
Baragaon, P.S. Pandual, District- Darbhanga. Petitioner/s

Versus

Priya Jha and Anr. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 01-05-2023

Heard learned counsel for the petitioner.

The present Cr. Revision application has been filed against the order dated 31.07.2017, passed by the Principal Judge, Family Court, Madhubani, in Maintenance Case No. 136 of 2012, thorough which the petitioner has been directed to pay Rs. 5,000/- per month to O.P. No.1 (Wife) and Rs. 2,500/- to O.P. No.2 (Son), i.e., in total Rs. 7,500/- per month, every month through bank process.

Counsel for the petitioner submits that impugned order is passed upon contest. Counsel submits that at the time of adjudication before Principal Judge, Family Court, Madhubani, under section 125 of the Code of Criminal Procedure petitioner, the petitioner was a medical representative in a company but since 2013 onwards, he became jobless. Counsel submits that petitioner is ready to keep his wife with him and want to live to a happy and pleasant life.

From the record of the case, it transpires to this Court that at the time of the marriage, the father of the petitioner was working as a school teacher in a *Sanskrit* school and he had handsome salary. Petitioner was also working as a medical representative earning Rs. 40,000-50,000/- per month. It also revealed from the record that upon notice, the petitioner not appeared initially and then case was fixed ex-parte and subsequently the petitioner filed his show-cause. The ex-parte order was recalled with the direction to pay an interim maintenance per month as Rs. 1,500/-. It also transpires that upon contest, issues were framed, in which, the issue of source of income was also there. The conclusion had come that the maintenance has not been paid by the petitioner to his wife, due to his arrogant attitude. And lastly, the Court has come to the conclusion that petitioner and O.P. are legally wedded husband and wife, having one son from their wedlock. The cause of living separately has also been discussed in the judgment that O.P. and her son were deserted, due to the cruelty of the petitioner and his family, for which a criminal case is also pending. It has come from the record that no positive steps were taken by the petitioner to get his wife and child back, therefore, Court is of the opinion that the petitioner is entitled to pay maintenance. On the point that what should be the amount of maintenance, findings have come. It

transpires to this Court that the reasons given in the said findings are appropriate and legal. Question of legality, propriety or correctness has not been argued by the Counsel for the petitioner. Therefore, the petitioner being the husband of O.P. No.2, having one child, is entitled to maintain his wife and son and he ought to comply the order dated 31.07.2017. This Court finds that there is no need of any interference in the said order, therefore, order dated 31.07.2017 is hereby affirmed and this Cr. Revision is hereby dismissed.

Principal Judge, Family Court, Madhubani is directed to do the needful, so that, the arrears not paid till date, as well as, the current maintenance shall be realized in the light of directions/observations given in the case of **Sarfaraj Alam @Md. Sarfaraj Vs. State of Bihar & Ors.** reported in **2023(1) PLJR 756.**

(Dr. Anshuman, J.)

Ashishsingh/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	
Transmission Date	