

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.804 of 2017

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

Md. Nausad Alam @ Naushad Alam @ Md. Naushad Akhter Son of Late Abdul Wahab, Resident of Village - Sahangaon, P.O. - Sahangaon, Baisee, P.S. Amaur, District - Purnea.

... .. Petitioner/s

Versus

1. Haleema Khatoon daughter of Sk. Sadruddin
2. Wakar Akhtar (minor) son of Md. Naushad Alam
Both Residents of Village - Darha (Dagorwa) and District - Purnea and is under the guardianship of his mother who has no adverse interest against him.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mohammed Abu Haidar, Adv.
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-04-2023 Heard learned counsel for the petitioner.

The present Cr. Revision Application has been filed against the order dated 26.04.2017 passed by Principal Judge, Family Court, Purnea in Maintenance Case No. 225 of 2011, by which, petitioner has been directed to pay Rs.3,000/- per month to the opposite party No.1 who is wife of the petitioner and Rs.1,500/- per month to the opposite party No.2 who is son of the petitioner.

Learned counsel for the petitioner submits that the amount of maintenance is at the higher side and three children are residing with the petitioner and petitioner is a teacher.



Upon specific query by the Court that any question of illegality, propriety and correctness is involved in the order, learned counsel submits that maintenance amount may be decreased.

Upon going through the records, it transpires that the present petitioner has failed the opportunity to reach on settlement as the matter was referred before Mediation Center for settlement but it could not be settled.

From the record it transpires that evidence has come that petitioner is the teacher who receive his salary of Rs.15,000/- per month by which he has to maintain three children and one daughter. It has also come that the wife of petitioner (opposite party No.1) has no source of income, and therefore, this Court is of the opinion that fixing Rs.3,000/- per month for opposite party No.1 who is wife and Rs.1,500/- per month for opposite party No.2 who is son of petitioner is appropriate and, therefore, this Court is not inclined to interfere in the said order.

In this view of the matter, the present Cr. Revision Application stands dismissed.

Principal Judge, Family Court, Purnea is directed to do the needful, so that arrear and present maintenance amount



shall be realized from the petitioner. If petitioner shall not pay the same within 30 days then issue process under Form 18 & 19 of Schedule II of Cr.P.C., 1973.

Principal Judge, Family Court, Purnea is also directed to take steps so that the amount of maintenance may be received in the bank account of opposite party No.1 directly from the school where the petitioner is working. In doing so, Family Court is directed to follow the ratio of case i.e. ***Sarfaraj Alam @ Md. Sarfaraj Vs. State of Bihar & Ors.*** Reported in ***2023 (1) PLJR 756.***

(Dr. Anshuman, J.)

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