

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.855 of 2018

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

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Ritish Raj @ Vicky Son of Sukesh Sah, resident of Village Gola Road
Bhutnath Mandir Samastipur P.O. and P.S. Samastipur, District- Samastipur.
... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Nishi Rani, D/o Mohan Prasad, resident of Village Rasulpur Sahwan P.S.
Bhagwanpur District Vaishali.
... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh, Advocate
For the Respondent/s : Mr. Sri Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 13-12-2023 The instant Revision is directed against an order dated 14.6.2018, passed in Maintenance Case No. 3 of 2014 in the court of the learned Principal Judge, Family Court, Vaishali at Hajipur.

2. The learned trial Judge on due consideration of evidence on record passed an order allowing the application for maintenance directing the present petitioner/husband to pay Rs. 4,000/- for his wife and Rs. 2,000/- for the minor son of the parties.

3. Only quantum of maintenance is assailed in the instant Revision.

4. It is submitted by the learned Advocate for the petitioner that the opposite party no.2 is an educated lady having B.Ed degree and the present petitioner specifically pleaded that she earns Rs. 8,000/- per month from her coaching centre.



Though, the said fact was denied by the opposite party no.2/wife in her cross-examination. It is admitted by the learned Advocate for the petitioner that the petitioner has a small shop and he earns petty amount from the said shop. Apart from his meagre income from the agricultural land, it is not possible for him to pay Rs.6,000/- per month and that amount may be reduced to the some extent.

5. In course of argument, it is admitted by the learned Advocate for the petitioner that the petitioner has been regularly going on paying Rs. 8,000/- per month to the opposite party no.2 in terms of the order impugned. Regular payment by the opposite party goes to suggest that he has financial capacity to pay the maintenance allowance has fixed by the Trial Court. Moreover, the income of the opposite party in the year 2018 is presumed to have been enhanced in 2023, therefore, I do not find any reason to spill ink over the impugned order and accordingly, the instant Criminal Revision is dismissed. The impugned order is affirmed.

(Bibek Chaudhuri, J)

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