

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1219 of 2018

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

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Ajmal @ Babloo @ Md. Ajmal Alam S/o Md.Sarif @ She Sharif Hussain
Resident of Village-Dhapi, P.S. Jokihat Disttict- Araria

... .. Petitioner/s

Versus

1. State Of Bihar
2. Bibi Gulnaz Begum W/o Ajmal @ Babloo @ Md. Ajmal Alam Resident of Village-Dhapi, P.S. Jokihat, Distt.-Araria

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha, Advocate
For the Respondent/s : Mr. Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

5 12-12-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The instant revision application is directed against the judgment and order dated 22.06.2018 passed by the learned Principal Judge, Family Court, Araria in Maintenance Case No.173 of 2017 directing the petitioner to pay Rs.4,000/- per month to the opposite party no.2 within 10th of each succeeding month.

3. It is submitted by the learned advocate for the petitioner/husband that the petitioner is a daily wage labour, it is not possible for the petitioner to pay a sum of Rs.4,000/- per month to his wife because his financial hardship.

4. On the other hand, learned advocate for the opposite party no.2 submits that this Court vide order dated



30.01.2019 directed the petitioner to pay an amount of Rs.2500/- per month towards maintenance to the opposite party no.2.

5. It is submitted by the learned advocate for the opposite party no.2/wife that the petitioner has been refused and neglected to pay the said sum of Rs.2500/- as directed by a co-ordinate Bench of this Court in his order dated 30.01.2019.

6. I have heard the learned advocates for the parties. Only issue involved in the instant criminal revision is the financial capacity of the petitioner to pay maintenance. Be that as it may, when a person marriage a lady, it is his legal and moral obligation to maintain his wife. Even if a person is a daily wage labourer or that he does not earned sufficient amount of money to maintain his wife, he is an under obligation to maintain her. Therefore, the petitioner cannot be absolved from his responsibility to pay maintenance.

7. At the same time, I am not a mindful to note that the petitioner is a daily wage labourer, there is no document in the record showing income of the petitioner.

8. In view of such circumstances, even if we accept the minimum wages earned by the petitioner, he is under obligation to pay maintenance to his wife.

9. Considering the financial position of the petitioner and the need of the opposite party no.2 as well as the present market price of the articles to maintain once livelihood,



this Court is of the view that a sum of Rs.3,000/- will be just and proper amount considering the status of living of the parties. For this reason, while affirming the impugned judgment, I am inclined to modify the amount of maintenance from Rs.4000/- to Rs.3000/- per month.

10. However, the petitioner is directed to pay a maintenance allowance at the rate of Rs.3000/- per month from the month of June, 2018. The arrears maintenance to be paid in equal installment at the rate of Rs.1000/- per month along with current maintenance from the month of June 2023 within 10th of every month.

11. The petitioner shall go on paying the said amount within 10th of each succeeding month till recovery of inter arrears maintenance after payment of arrears maintenance, the petitioner is entitled to pay current maintenance at the rate of Rs.3000/- per month.

12. Accordingly, the present revision application stands dispose of.

(Bibek Chaudhuri, J)

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