

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1154 of 2016

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

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Asha Singh Wife of Sri Shambhu Singh, D/o Sri Surendra Singh, R/o Village- Sundarpur Tola, P.S. Barharia, District- Siwan, At Present R/o Village- Dhatiwana Math Gautam, P.S.- Thawe, District- Gopalganj.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Sri Shambhu Singh, Son of Sri Mangal Singh, R/o Village- Sundarpur Tola, P.S. Barharia, District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey, Adv.
For the Respondent/s : Mr. Sri Nand Kishore Pd, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 28-03-2023

Heard learned counsel for the petitioner and
learned counsel for the State.

The Cr. Revision has been filed against the judgment dated 18.08.2016 passed in Maintenance Case No.25/2008 by learned Principal Judge, Family Court, Gopalganj by which direction was made to O.P. No.2 to pay Rs.1500/- per month towards monthly maintenance to the petitioner from the date of order and for further relief to direct the O.P. No.2 to pay monthly Rs.10,000/- from the date of filing of the petition.

Counsel for the petitioner submits that petitioner is admittedly the retired Navy Personnel and it has been stated by petitioner that his monthly earning is more than Rs.60,000/- as

he is earning from his retiral dues as well as from his private job, whereas the Trial Court has not considered such things and treated that the pension of the petitioner is just Rs. 11,200/- per month and Rs. 1500/- per month for her maintenance amount.

Counsel for O.P. No.2 submits that the present pension of the petitioner is only Rs.24,000/- per month and due to strange attitude of the present petitioner, O.P. No.2 was living alone in his family. There are several persons and with a view to maintain them, he has not sufficient amount in his account. He submits that there are other female member and child in the family (2 children and wife) after seeking divorce from petitioner.

After going through the argument and considering the case on merit, it is crystal clear that the earning of the petitioner is minimum Rs.24,000/- per month and Rs.8,000/- is for wife. Admittedly, he has one wife with whom he has taken divorce who is the petitioner and the other wife who is living with him. In law, wife is entitled for 1/3 amount of the pension.

As such Rs.8,000/- for 2 wives so it is due to this reason, court is of the view that the present petitioner is entitled for at least Rs.4,000/- per month from the O.P. No.2 as maintenance. Therefore, the said maintenance which is

Rs.1500/- per month by the order of 18.08.2016 is hereby enhance Rs.4,000/- per month from the date of order passed in Cr. Revision. The total payable amount from the date of order 18.08.2016 to till date which comes at the tune of Rs.1,20,000/- whereas the arrears of money payable by the order passed in bail, it comes to the tune of total Rs.81,000/- therefore, total Rs.2,01,000 are due as per the order passed by Principal Judge, Family Court as well as order passed in the favour of petitioner in Cr. Revision.

Counsel for O.P. submits that he has paid certain amount. In this view of the matter, this case is hereby disposed of directing the O.P that he shall pay Rs.4,000/- per month starting from the order passed by this court in the account of petitioner in addition to that petitioner is entitled for Rs.2,01,000/- as an arrear.

In this regard, O.P. No.2 shall show before the Principal Judge, Family Court, Gopalganj that he has paid certain amount. Upon going through the same, the Principal Judge, Family Court shall pass an order that what amount has been adjusted and what amount, he has to pay. Thereafter, learned Principal Judge Family Court is also directed to order about payment of the arrears in easy installment of 3 months.

If O.P. shall be failed to comply the said order within 60 days then, the Trial Court is directed to issue processes under Form 18 &19, Schedule II of Cr.P.C.,1973 against the O.P. No.2

With this direction, this Cr. Revision is hereby disposed of.

(Dr. Anshuman, J.)

prakashmani/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	