

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1067 of 2017

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

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Munna Kumar Yadav @ Munna Yadav Son of Dinesh Yadav resident of
Mohalla- Madhepura Mushari, P.S. K. Hat District- Purnea.

... .. Petitioner

Versus

1. The State Of Bihar
2. Putul Devi, Wife of Munna Kumar Yadav @ Munna Yadav, daughter of Chunnilal Rishidev,
3. Niraj Yadav, minor son of Munna Yadav @ Munna Kumar Yadav, represented through guardian Mother namely Putul Devi, Opposite party nos. 2 and 3 are resident of Mohalla Mushari, P.S. K. Hat, Distt.- Purnea.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad, Advocate Mr. Mukesh Kumar Jha, Advocate
For the Respondent/s	:	Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

13 12-12-2023 Heard learned counsel for the petitioner. No one appears for the Opposite Party Nos. 2 and 3 today.

2. Petitioner is aggrieved by and dissatisfied with the order dated 25.08.2017 passed by learned Principal Judge, Family Court, Purnea by which the learned court has been pleased to allow a maintenance amount of Rs. 2,500/- per month to the applicant no.1- Opposite Party No.2 and Rs. 1,500/- per month to the applicant no.2-Opposite Party No.3, who are the wife and son respectively of the petitioner.

3. Earlier by virtue of the orders passed by this Court from time to time, the petitioner has paid a sum of Rs. 22,000/-

and in terms of his undertaking, he is obliged to pay the entire arrears of Rs. 1,20,000/- in installment of Rs. 20,000/- per month till the entire outstanding is liquidated. Reference in this regard may be made to the order dated 16.10.2023 passed by this Court.

4. Learned counsel for the petitioner has assailed the impugned order mainly on the quantum of maintenance. It is submitted that the petitioner is ready to discharge his obligations towards his wife and son and he wants to keep them with himself but it is because of the conduct of his wife and her mother that the matrimonial relationship could not be restored.

5. Learned counsel for the petitioner further submits that the learned Family Court has not properly assessed his income and the petitioner would be unable to pay Rs. 4,000/- per month to the Opposite Party Nos. 2 and 3 jointly.

6. This Court has heard learned counsel for the petitioner and perused the records. There is no dispute that the Opposite Party Nos. 2 and 3 are the wife and son of the petitioner. It is evident from the materials available on the record that because of some matrimonial discord between the parties, it has been alleged that the Opposite Party Nos. 2 and 3 were thrown out of the matrimonial house. It is further alleged

that the applicants had sought help of the *panchayat* but the present petitioner did not agree with the *panches*.

7. Be that as it may, it transpires from the reading of impugned order that in the court of learned Principal Judge, Family Court, both the parties were called upon to adduce their respective evidences. The applicants brought three witnesses who were examined and cross-examined. The Opposite Party No. 2 herself deposed as applicant witness no.1 and she has narrated the entire allegations once again. She has stated that this petitioner earns Rs. 20,000/- per month as Head Mechanic and he works in a garage at Katihar. The opposite party witnesses came out with a plea that the O.P. No.2 is working as maid servant in five-six houses and she earns about Rs. 10,000/- per month but in course of evidence, they could not say that in whose house the O.P. No.2 is working as maid servant and how much she earns.

8. Learned Principal Judge, Family Court found that both the parties had gone for a love marriage and the husband of the O.P. No.2 works as a mechanic in a garage from which he has got sufficient income. Considering the entire facts and circumstances and the materials on the record, the learned court has awarded a sum of Rs. 2,500/- per month to the wife and Rs.

1,500/- per month to the minor son, together it would come to Rs. 130/- (approximately) per day.

9. In the opinion of this Court, the petitioner is obliged not only morally but even legally to maintain his wife and the minor son. He is an able-bodied person and there is no denial of the fact that he is a mechanic working in a motor garage. To this Court, it appears that the amount awarded to the O.P. Nos. 2 and 3 as maintenance are a meager amount and even with that much it is not possible to sustain two lives in the present days, the O.P. No.2 somehow is able to live by doing some labour and with the help of the maintenance amount only she along with her minor son may survive. Considering the meager sum of amount which has been allowed in maintenance, this Court would not interfere with the same.

10. The revision application is dismissed.

11. The learned Principal Judge, Family Court, Purnea shall execute the order as expeditiously as possible and in any case, within a reasonable period.

(Rajeev Ranjan Prasad, J)

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