

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.216 of 2017

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

Nand Lal Sharma son of Jakshan Sherma, Resident of Village- Panditji Ke Sishwa, P.S.- Nawtan, District- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sheela Devi, Wife of Nand Lal Sherma, Daughter of Dhruva Sharma, Resident of Village- Panditji Ke Siswa, P.S.- Nawtan, District- Siwan, at present residing at Sindhriya, P.S.- Kateya, District- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar
For the Respondent/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 21-02-2023 This criminal revision application has been filed on behalf of petitioner against the order dated 27.07.2016 passed in Maintenance Case No. 105 of 2014 arising out of Maintenance Case No. 24 of 2009 by the learned Principal Judge, Family Court, Gopalganj.

The petitioner is husband of opposite party No. 2. By an order dated 27.07.2016 passed in Maintenance Case No. 105 of 2014 arising out of Maintenance Case No. 24 of 2009 by the learned Principal Judge, Family Court, Gopalganj, the petitioner has been asked to pay monthly maintenance allowance at the rate of Rs. 2000/- per month to opposite party No. 2.

Learned counsel appearing on behalf of the petitioner has submitted that as a matter of fact both parties with their



consent decided to live separately and Opposite Party No. 2 has received her permanent alimony as full and final settlement for her maintenance. Pursuant to this settlement petitioner has already paid Rs. 75,000/- to the Opposite Party No. 2 and as such there is no relationship between the parties.

Paragraph No. 12 of the impugned order demonstrates that the said averments of the petitioner has been disbelieved by the court below in absence of any document or copy of so called compromise.

Having gone through the impugned order, this court does not find any irregularity or illegality in the impugned order. The court below after taking into consideration the evidence on record has rightly passed the impugned order. The monthly maintenance allowance of Rs. 2000/- per month cannot be said to be excessive. In such circumstance, I am not inclined to interfere with the impugned order in the background of the facts, which have been mentioned in the impugned order.

I do not find any merit in this application. This application is, accordingly, dismissed.

(Prabhat Kumar Singh, J)

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