

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1374 of 2019**

Bindeshwar Mahto @ Bindeshwar Prasad, aged about 70 years, Male, S/o
Late Genauri Mahto, Resident of Village Deodha, P.S. Deepnagar, District-
Nalanda

... .. Petitioner/s

Versus

Lakho Devi W/o Late Bindeshwar Mahto Resident of Village Deodha, P.S.
Deepnagar, District-Nalanda, At present residing at Village Surajpur,
Muraura, P.S. Bihar, District-Nalanda

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan Prasad No. 1, Advocate
For the Respondent/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER**

2 27-03-2023 Heard learned counsel for the petitioner.

This Civil Miscellaneous application has been filed
against the order dated 21.02.2019 passed in Miscellaneous
Case No. 39 of 2008 by the learned Principal Judge, Family
Court, Bihar Sharif at Nalanda.

It appears from the record that the petitioner is the
husband of the respondent. Earlier by order dated 15.10.1985 in
Case No. 8M of 1977 under Section 125 Cr. P.C., an amount of
Rs. 150/- per month was granted as maintenance cost to the
respondent-wife. An application dated 14.12.2017 was filed by



the respondent for enhancement of the said maintenance amount stating that due to increase in price and in the changed circumstances, it is very difficult for her to maintain herself as she has no other source of income, so maintenance amount may be enhanced to Rs. 3,000/- per month.

Considering the facts and circumstances of the case, the learned Court below enhanced the maintenance amount of Rs. 2,350/- and ordered for total payment of Rs. 2,500/- per month as maintenance to the respondent.

Learned counsel for the petitioner submits the respondent is residing in her parental house and now the petitioner is more than 70 years old and it is very difficult for him to arrange such amount as he has no source of income and is ready to keep the respondent-wife with him.

The objective of Section 125 Cr. P.C. is to ensure financial support to the estranged wife and it is not to punish the husband rather to support the relations who have the moral right to be supported. Section 127(1) Cr.P.C. provides to increase or reduce the maintenance allowance if there is change in the circumstances of the parties at the time of the application for alteration of the original order of maintenance. The term 'change in circumstances' referred to in Section 127(1) Cr. P.C.



not only includes a change in the financial circumstances of the husband or wife but may also include other circumstantial changes in the life of the parties which have arisen since the maintenance order was passed.

Having heard learned counsel for the petitioner and on perusal of the impugned order, it appears that the Court below has enhanced the maintenance amount considering the facts and circumstances of the case and he has ordered for payment of Rs. 2,500/- per month which in my considered opinion is justified.

I do not find any illegality or error in the impugned order for interference by this Court under supervisory jurisdiction under Article 227 of the Constitution of India.

Accordingly, this Civil Miscellaneous application is dismissed.

It is needless to state that the petitioner has liberty to file an appropriate application before the learned Court below in case any change in circumstances occur.

(Sunil Dutta Mishra, J)

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