

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.765 of 2022

Arising Out of PS. Case No.- Year-0 Thana- District- Saran

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Priyanka Rani W/O Ravi Prakash Saxsena, Daughter of Harendra Kumar Sinha, Resident of Rose Enclave, 3rd Floor, at Mohalla- Caudhary, Gauri Shankar Mandir Road, Bareilly, Uttar Pradesh- 243003, at present residing At- Kamta Sakhi Road, Prabhunath Nagar, Chapra, P.O- Chapra, P.S- Chapra Muffasil, District- Saran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Ravi Prakash Saxsena S/O - Sri Krishna Prasad Saxena, Resident Of - Rose Enclave, 3rd Floor, At Mohalla- Caudhary, Gauri Shankar Mandir Road, Bareilly, Uttar Pradesh- 243003

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anupam Prabhat Srivastava, Advocate
For the Respondent/s	:	Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 11-04-2023

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

Counsel for the petitioner has filed the present criminal revision application for enhancement of amount of interim maintenance, allowed by the order dated 10.08.2022 passed by Principal Judge, Family Court, Saran at Chapra and also to pay litigation cost to the O.P. No.2 in Maintenance Case No. 61 of 2021 by which the O.P. No.2 was directed to pay Rs.6000/- per month only with effect from the month of August, 2022, in wholly illegal and without jurisdiction manner and without

taking note of financial hardship of petitioner and considering the documents produced by the petitioner regarding salary structure and other monetary benefits being presently received by Opposite Party No.2.

Counsel for the petitioner submits that the marriage was solemnized as per Hindu Rites and Rituals, after some time of marriage, the opposite party No.2 started creating trouble who was in service in a company situated at Gaziabad, whose early package was Rs.18,00,000/- and his monthly income was Rs.1,25,000/-. It has been also mentioned that counsel for opposite party no.2 after filing the maintenance case by the petitioner appeared before the Principal Judge, Family Court, Saran at Chapra, which was numbered as Maintenance Case No. 61 of 2021 and challenged the maintainability but admitted marriage. It has been mentioned that before this marriage, opposite party no.2 has married with another lady to whom he divorced and paid Rs.4,70,000/- by way of alimony in Divorce Case No. 503 of 2015 under section 13(B) of Hindu Marriage Act, whereas the petitioner was also divorced from her earlier husband with mutual consent and received Rs.40,00,000/- by way of alimony. Counsel further submits that petitioner had no source of her livelihood, so she filed an application on

04.06.2021 and demanded Rs.40,000/- per month by way of interim maintenance and Rs.25,000/- by way of litigation cost. Counsel further submits that the marriage has not been denied by opposite party no.2 but interim maintenance was allowed just Rs.6000/- per month only with effect from 10th August, 2022, instead of the fact that the petitioner has provided income tax return from the year 2021 to 2022, paper of payment of O.P. No.2 as well as shown his package of Rs.19,00,000/- with his affidavit to show that the opposite party no.2 is not jobless.

In the order impugned, Principal Judge, Family Court, Saran at Chapra has considered twice that the opposite party No.2 has left the job and now a days he is jobless and unemployed and therefore, ad-interim maintenance of Rs.6000/- has been passed in favour of the petitioner. It has also been directed that the said amount shall be paid in the account of Nationalized Bank of the petitioner.

In view of the court, the order dated 10.08.2022 which is impugned is basically interim or parties free to produce all the documents as well as evidences oral and documentary about which the counsel for the petitioner has raised in his submission that now the petitioner has ample proof to show to the court that opposite party no.2 was never jobless and he was continuously

in service.

In this view of the matter, at this juncture this Court is not inclined to entertain this criminal revision application and to interfere in the interim order dated 10.08.2022 but hereby directed to the Principal Judge, Family Court, Saran at Chapra to pass final order in Maintenance Case No. 61 of 2021 under Section 125 of Cr.P.C. within 90 days from the date of production of the order, considering all the documents which is on the record or the petitioner wants to produce in this case.

With this direction, the present Criminal Revision Application is hereby dismissed with the aforesaid liberty.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	