

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.867 of 2022**

**In
CRIMINAL REVISION No.332 of 2021**

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Sanjay Sharma son of Shivjee Sharma resident of Village- Shaheed Ashram
Road Jhoushagarhi, P.S.- Kunda, District- Deoghar, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar (Deleted vide order dated 06.02.2023) Bihar.
2. Suman Sharma wife of Sanjay Sharma, daughter of Yugeshwar Prasad Sharma, resident of Village- Chuabagh- Patna Road, P.S.- Kasim Bazar, P.O. and District- Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manohar Prasad Singh, Advocate
For the Respondent/s : Mr. Manish Kumar, (G.P. 4)

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

4 25-02-2023 Heard learned counsel for the parties.

This revision application is directed against the interim order dated 19.01.2021 in Maintenance Case No. 51 / 2019 passed by the learned Principal Judge, Family Court, Munger whereby and whereunder he has directed the petitioner to pay interim maintenance of Rs. 4,000/- per month during the proceeding from the date of filing of the application and Rs. 1,000/- on each date as litigation cost to his wife (opposite party No. 2).

Learned counsel for the petitioner submits that respondent-wife who is residing at Munger herself deserted the petitioner and the petitioner-husband had filed Matrimonial



Divorce Case No. 76 / 2016 before the learned Principal Judge, Family Court, Deoghar, Jharkhand in which ex parte decree of divorce was passed on 01.03.2017 and thereafter, Respondent-wife has filed this Maintenance Case. He further submits that the learned Court below has not considered the fact that the respondent-wife herself treated the petitioner-husband with cruelty and she has also committed adultery. Accordingly, she is not entitled for any maintenance from her husband.

Nature of provisions under Section 125 Cr.P.C. is a social justice legislation and is meant for welfare and benefit of the wife, children and parents. The purpose and object of Section 125 Cr.P.C. is to provide immediate relief to the applicant. In order to prevent a defendant from being reduced to destitution, it is necessary that maintenance is awarded from the date on which the application for maintenance is filed before the concerned Court. Detailed guidelines and directions with respect to maintenance have been issued by Hon'ble Supreme Court in *Rajnish Vs. Neha* (2020 SCC Online SC 903) (2021) 2 SCC 324.

From perusal of the impugned order, it appears that the marriage between the parties is admitted and it is stated in the impugned order that there is no source of income to the



respondent-wife and the husband is legally bound to maintain his wife and to provide the maintenance. Accordingly, the said interim order was passed.

Learned counsel for the petitioner submits that the petitioner shall deposit 50 per cent of the arrear amount within one month and the remaining 50 per cent of arrear amount of maintenance within three months from the date of this order and shall continue to make payment of maintenance amount as per the impugned order.

Having heard learned counsel for the petitioner and on perusal of materials on record particularly the impugned order, I find that there is no illegality in the impugned order of granting maintenance amount and expenses for proceeding. The Court below shall dispose of the said maintenance application finally and expeditiously as early as possible.

With the aforesaid observations the present Civil Miscellaneous application stands disposed of.

(Sunil Dutta Mishra, J)

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