

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.543 of 2017

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

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Seema Devi Wife of Vinod Yadav, Resident of Village- Amra, P.S.- Chakiya,
District- Chandauli, Uttar Pradesh, Currently Residing in Naudiha, P.S.-
Chand, District- Kaimur, Bhabhua, Bihar.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Vinod Yadav, Son of Pyare Yadav, Resident of Village- Amra, P.S.- Chakiya,
District- Chandauli, Uttar Pradesh.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar, Advocate
For the Respondent/s	:	Mr. Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 28-03-2023

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

No one appears on behalf of opposite party no.2 even
after valid service.

The present criminal revision has been filed for
modifying the order/award dated 16.01.2017 passed by
Principal Judge, Family Court, Bhabhua, Kaimur in
Maintenance Case No. 101(M) of 2013, with a prayer to
enhance the quantum of maintenance as fixed by the court at the
tune of Rs.4,000/- per month from the date of order.

Counsel for the petitioner submits that the opposite party

no.2 is working in the Central Reserve Police Force and his salary in the year 2013 was Rs.25,000/- per month. It has been submitted that petitioner has been completely ignored from her husband who started demanding dowry, due to which she filed complaint case under Section 498A of the I.P.C.. It has also been submitted that at the time of granting bail, court has directed to pay Rs.2000/- per month, which she is receiving every month in her account. Counsel further submits that in the maintenance case Rs.4000/- per month has been fixed but she has filed this criminal revision with a view to enhance the amount more than Rs.4000/-.

Since no one appears on behalf opposite party no.2, therefore, Court has taken assistance from the counsel for the State who has submitted that in the record there are two witnesses on behalf of plaintiff. According to the evidence of the petitioner and her mother, it transpires that the petitioner and opposite party no.2 has one daughter from the said marriage but the petitioner has left the said daughter and went out with her *jija*(brother-in-law). It has also come on the record that daughter is continuously living since her childhood with her father and grand mother(opposite party no.2 and his mother). The evidence of the said daughter is also on record. It has come that opposite

party no.2 has old aged parents and her daughter to look after whereas petitioner is residing separately from the family of the opposite party no.2.

Therefore, this Court is of the opinion that Rs.4000/- per month is sufficient for the petitioner, as there is an evidence of doing work and having own earning of the petitioner in the record of the case.

In this view of the matter, this Court is not ready to interfere in the order/award dated 16.01.2017 passed by Principal Judge, Family Court, Bhabhua, Kaimur in Maintenance Case No. 101(M) of 2013 and therefore, the present Criminal Revision Petition is hereby dismissed.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	