

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.918 of 2017

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

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Baby Binita Devi, W/o Arvind Kumar Singh and Daughter of Kanhaiya Prasad Singh, Resident of Village- Hasan Bazar, P.S.- Piro (Hasan Bazar), District- Bhojpur.

... .. Petitioner

Versus

Arvind Kumar Singh, Son of Kanhaiya Prasad Singh, Resident of Village- Chhatauna, P.S.- Nokha, District- Rohtas.

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Arvind Kumar, Advocate
For the Opposite Party : Mr. Amaresh Kumar Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

12 05-12-2023 Heard learned counsel for the petitioner and learned
counsel for the opposite party.

2. This revision application has been filed seeking enhancement in the quantum of maintenance allowed to the petitioner.

3. Learned counsel for the petitioner submits that in the Miscellaneous Case No. 102 of 2008 filed under Section 125 of the Code of Criminal Procedure by the petitioner, the learned Principal Judge, Family Court, Ara has granted Rs.8,000/- per month as maintenance allowance and Rs.2,000/- as house rent allowance. The husband of the petitioner who is opposite party before this Court is an employee of the Indian Railways and his gross pay at the relevant time when the impugned order was passed i.e. on 30.05.2017 was not less than Rs.50,000/-. It is

submitted that in such circumstance, total amount of Rs.10,000/- allowed to the petitioner is in lower side and it is required to be increased.

4. On the last date of hearing, learned counsel for the opposite party was called upon to produce pay slip of the opposite party and today the same has been produced showing that in the month of September, 2023, the gross pay of the opposite party was Rs.67,661/- out of which Rs.37,053/- were being deducted and he was getting a net pay of Rs.30,608/-.

5. Learned counsel for the petitioner submits that the petitioner would be contended if the maintenance amount is increased from Rs.8,000/- to Rs.13,000/-. Since she is presently living with her parents, she would not request an increase in the house rent allowance.

6. Learned counsel for the opposite party submits on instruction that the opposite party would pay Rs.2,500/- more and considering that he would be hardly having about Rs.28,000/- only in his hand, this Court may not impose further burden upon the opposite party.

7. In course of hearing, ultimately, learned counsel for the petitioner agreed to accept an increase of Rs.2,500/-.

8. Accordingly, this revision application is being

disposed of with the consent of the parties. The opposite party shall pay maintenance amount at the rate of Rs.10,500/- with effect from the date of this order. He will continue to pay Rs.2,000/- as house rent allowance as per order of the learned court below.

9. The impugned order is modified to the extent indicated hereinabove. This revision application is disposed of.

(Rajeev Ranjan Prasad, J)

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