

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.993 of 2017

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

Indrajit Kumar

... .. Petitioner/s

Versus

Anita Kumari

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Choudhary, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 04-02-2023 Heard learned counsel appearing on behalf of the parties.

The present revision petition has been filed against the order dated 02.08.2017 passed by learned Principal Judge, Family Court, Nalanda (Biharsharif) in Maintenance Case No. 14-M/2005, whereby and whereunder petitioner has been directed to pay Rs. 4000/-per month, in total, i.e. Rs. 2000/- to opposite party no. 1/wife, namely Anita Kumari and Rs. 2000/- to his minor son, namely Issu Kumar.

At the outset, it appears that the present maintenance case was filed under Section 125 of the Cr.P.C. in 2005 itself, which was decided in the year, 2017 through impugned order and thereafter this matter is pending before this High Court, since last six years, where almost in last 17 years, not a single farthing was paid by the petitioner to opposite party/wife,



defeating object of Section 125 of Cr.P.C.

It is submitted by learned counsel appearing on behalf of petitioner that opposite party no.2 is a graduate and earning about Rs. 10,000/- per month from her service, and, as such, the maintenance amount as awarded by this Court is appearing on the higher side and is not also appearing just in terms of law, for the reason that opposite party is able to maintain herself. It is also submitted that father of opposite party is a landlord having 20 Bighas of land, where opposite party residing since so many years and there is nothing on the record, which may suggest that opposite party is facing any financial hardship.

From perusal of record, it appears that almost all witnesses, who were examined during the course of trial before learned Trial Court, supported the fact that opposite party is legally wedded wife of this petitioner. She was ousted some point of time in year 2005. A matrimonial cruelty was committed upon opposite party by petitioner, for which a case under Section 498A of the Indian Penal Code was lodged and thereafter opposite party was deserted by this petitioner after ousting her from matrimonial home, forcing her to take shelter in her parental home along with minor son, namely Issu Kumar.

It also appears that earning of opposite party at the



rate of Rs. 10,000/- per month was raised before the learned Trial Court, which was considered thereof and after considering all financial aspects of both parties, maintenance amount of Rs. 4000/-, which appears a very meager amount was ordered to be paid for opposite party and her minor son on monthly basis.

Considering in totality from the submission as advanced by learned counsel for the petitioner and by taking note of the admitted fact that opposite party is legally wedded wife, who forcibly ousted from her matrimonial house and further as maintenance amount as awarded is a meager amount, this Court finds no reason to interfere with present impugned order.

Learned Family Court is directed to recover entire arrears amount in terms of the impugned order in accordance with law and to make the same available to the opposite party at the earliest, preferably within eight (8) weeks of this order.

Accordingly, the present revision petition is dismissed, being devoid of any merit at admission stage itself.

(Chandra Shekhar Jha, J)

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