

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.43 of 2020**

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

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RAJENDRA PASWAN @ RAJENDRA PRASAD PASWAN @ RAJENDRA RAM
S/o Shiv Prasad Paswan Resident of Village- Dhamania, P.S.- Agiaon
(Garahani), District- Bhojpur.

... .. Petitioner/s

Versus

BABITA DEVI W/o Rajendra Paswan @ Rajendra Prasad Paswan @
Rajendra Ram Resident of Village- Dhamania, P.S.- Agiaon (Garahani),
District- Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Adv.
For the Respondent/s: Mr. Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

5 09-07-2024

Heard on admission.

2. The present revision application has been preferred by the petitioner being aggrieved with the order dated 25.10.2019 passed by the learned Principal Judge, Family Court, Bhojpur at Ara in Maintenance Case No. 197 of 2014, under Section 125 of the Code of Criminal Procedure, whereby the learned Family Court allowed the application of respondent-wife and directed the petitioner to pay a monthly maintenance of Rs. 4,500/- to the respondent-wife and her three minor children.

3. Learned counsel for the petitioner submits that he does not want to press this revision application as a



whole but he confined his submission only to the extent of quantum part of the maintenance amount.

4. Learned counsel for the petitioner submits that without being any sufficient evidence available on record, the learned Family Court directed the petitioner to pay a total maintenance of Rs. 4,500/- per month to the respondent-wife and her children. The learned Family Court, while passing the impugned order did not consider the fact that the petitioner is a labourer and able to earn only Rs. 200-250/- against his daily wages. Therefore, according to the learned counsel for the petitioner, the amount of maintenance awarded by the learned Family Court is of higher side.

5. Perused the impugned order and also gone through the documents annexed with the petition.

6. Perusal of the impugned order clearly shows that the petitioner-husband himself admitted the fact that he is working as a labourer. According to the statement of respondent-wife, the petitioner also owned three buffaloes and he is engaged in trade of milk from which he is getting monthly income of Rs. 20,000/- per month. In order to rebut the above statement of respondent-wife, the petitioner has



not produced himself as a witness before the Family Court.

7. Undisputedly, the respondent is a legally wedded wife of the petitioner and her three children are residing with her, therefore, the maintenance amount of Rs. 4,500/- for four persons granted by the learned Family Court appears to be just and proper.

8. Considering the income of the petitioner-husband and the quantum of maintenance for four persons, this Court does not find any perversity or illegality in the impugned order passed by the learned Principal Judge, Family Court, Bhojpur at Ara. Accordingly, this revision application is dismissed being devoid of merit at the admission stage itself.

(Arvind Singh Chandel , J)

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