

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No 19 of 2020**

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

Rajesh Kumar @ Chunnu Son of Late Rajaram Yadav Resident of Village -  
Shakari Gali Gawal Toli, P.S.- Gulzarbagh, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt Madhu Devi W/o Rajesh Kumar @ Chunnu, D/o Ramashankar Yadav  
Resident of Village - Shakari Gali Gawal Toli, P.S.- Gulzarbagh, Distt.-  
Patna. At Present Resident of Madhu Sweets, Subji Mandi, Mohalla- Kadam  
Kuan, P.O.- Kadam Kuan, P.S.- Kadam Kuan, Dist.- Patna.

... .. Respondent/s

**Appearance :**

|                         |   |                                    |
|-------------------------|---|------------------------------------|
| For the Petitioner/s    | : | Mr Awadhesh Kumar Pandey, Advocate |
| For the S t a t e       | : | Mr Umesh Lal Verma, APP            |
| For opposite party No 2 | : | Mr Viveka Nand Singh, Advocate     |

**CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL**

**ORAL JUDGMENT**

**Date : 14-08-2024**

In pursuance to the order dated 01.07.2024, it is informed by the learned counsel for opposite party No 2 that no warrant has been issued by the learned Court below against the petitioner.

2 Heard both the counsel on admission. Perused the impugned order dated 17.10.2019 passed by the learned Principal Judge, Family Court, Patna in Maintenance Case No 204 (M) of 2005 whereby the learned Principal Judge, Family Court directed



the petitioner to pay a monthly maintenance of Rs 5,000/- to opposite party No 2-wife and Rs 3,000/- to his minor daughter.

**3** Undisputedly, opposite party No 2 is the legally wedded wife of the petitioner and she is residing separately with her minor daughter. Perusal of the impugned order further shows that on the basis of evidence available on record, the learned Principal Judge, Family Court has arrived on the conclusion that opposite party No 2-wife is residing separately with sufficient cause. Learned counsel for the petitioner also does not argue on this point and he confines his prayer on the quantum part only.

**4** According to the learned counsel for the petitioner, while deciding the amount of maintenance, the learned Principal Judge, Family Court did not consider the fact that the petitioner is a labourer and is only getting a monthly income of Rs 4,000/-. Therefore, according to the counsel, the amount of maintenance, as ordered by the learned Principal Judge, Family Court, is on higher side and petitioner is unable to pay the said maintenance amount.

**5** Undisputedly, petitioner is a labourer and, as admitted by himself, he is doing the work of electric decoration. He has also admitted that one ancestral house is there and his father is no more. He also admits that the house has been given on rent but according to his statement, the rent is being taken by his mother



but the fact remains that one ancestral house is available and the house is on rent, as admitted by the petitioner himself.

6 Considering the above and further considering the fact that the petitioner is a skilled labourer and is physically and mentally fit person, the amount of maintenance, as directed by the learned Principal Judge, Family Court, appears to be just and proper.

7 I do not find any perversity/illegality in the impugned order. This revision petition is liable to be and is dismissed at this stage itself.

(Arvind Singh Chandel, J)

M.E.H./-

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| AFR/NAFR          | NAFR       |
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