

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.112 of 2020**

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

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VIPENDRA KUMAR Son of Krishna Sah Resident of Village - Narayanpur,
P.S.- Pachrukhi, District - Siwan.

... .. Petitioner/s

Versus

PINKU KUMARI DEVI Wife of Vipendra Kumar Resident of Village -
Narayanpur, P.S.- Pachrukhi, District - Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : None.

For the Respondent/s: Mr.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

4 18-07-2024

Heard on admission.

2. The present revision application has been filed by the petitioner-husband being aggrieved with the order dated 21.11.2019 passed by the learned Principal Judge, Family Court, Siwan in Maintenance Case No. 43 of 2014, whereby the Family Court directed the petitioner to pay monthly maintenance of Rs. 5,000/- to the respondent-wife.

3. Heard learned counsel for the petitioner and perused the impugned order and also gone through the documents annexed with the petition.

4. Undisputedly, the respondent/O.P. is a legally wedded wife of the petitioner and presently residing separately from her husband. According to the statement of opposite party before the learned Family Court, she is ousted



by the petitioner from her matrimonial home. Perusal of the impugned order shows that the petitioner himself stated that he is not ready to live with his wife. Considering the above, the learned Family Court rightly arrived at a conclusion that O.P.-wife is residing separately with a sufficient and reasonable cause from her husband. On the basis of evidence available on record, the learned Family Court also rightly arrived at a conclusion that O.P.-wife has no sufficient means to maintain herself.

5. With regard to income of the petitioner herein is concerned, though the petitioner before Family Court pleaded that due to his physical health condition, he is unable to earn anything, however, he did not produce any documentary evidence before the learned Family Court in this regard. At the time of passing of impugned order the petitioner was a person of about 40 years of age, therefore, it can be assumed that he is capable to do any physical work like a labourer.

6. Considering the above and further taking note of the present price index, the maintenance amount of Rs. 5,000/- awarded by the learned Family Court to the respondent -wife appears to be just and proper.



7. Resultantly, I do not find any merit in the present revision application. Hence, the present revision petition is liable to be dismissed and is, accordingly, dismissed, being devoid of merit, at the admission stage itself.

(Arvind Singh Chandel , J)

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