

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.65 of 2020**

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

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MANORANJAN SHARMA @ MANOHAR SHARMA Son of Late Subodh Sharma Resident of Village - Bharson (Salarpur), P.S.- Parbatta, Distt - Khagaria.

... .. Petitioner/s

Versus

SARITA DEVI Wife of Manoranjan Sharma @ Manohar Sharma, Daughter of Dinesh Mistri Resident of Village - Kulhariya, P.S.- Parbatta, Distt - Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar

For the Respondent/s: Mr.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

3 05-07-2024

The present revision application has been filed by the petitioner-husband being aggrieved with the order dated 29.11.2019 passed by the learned Principal Judge, Family Court, Khagaria in Maintenance Case No. 98M of 2013, whereby the Family Court directed the petitioner to pay monthly maintenance of Rs. 6,000/- to the respondent-wife.

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

3. Undisputedly, the respondent is legally wedded wife of the petitioner and she is residing separately from her husband. From perusal of the impugned order, it appears



that the petitioner in his written statement has pleaded that the respondent-wife is residing separately out of her own will and volition and she is living an adulterous life. However, at this point, the petitioner was unable to produce any evidence before the learned Family Court. Contrary to that the respondent-wife examined herself as well as her witnesses wherein they have supported the case of the respondent-wife but the petitioner has not cross-examined the respondent-wife and her witnesses. Thus, the statements of the respondent-wife and her witnesses remained unrebutted.

4. Considering the unrebutted statements of the respondent-wife and her witnesses, the learned Family Court has allowed the application and passed the impugned order on the basis of evidences available on record.

5. From bare perusal of the impugned order, it reveals that the petitioner himself admitted the fact that he works as a labour and he also owns agricultural land admeasuring 10 Kathas.

6. Considering the above, the maintenance amount of Rs. 6,000/- granted in favour of respondent-wife by the learned Family Court appears to be just and proper.



7. Resultantly, this Court does not find any illegality and perversity in the order impugned passed by the learned Principal Judge, Family Court, Khagaria. 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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