

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.89 of 2024**

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

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ARJUN SAHU @ ARJUN SAH @ ARJUN KUMAR SAHU @SAHU S/O
JAGESHWAR SAH R/O VILLAGE- BAIRBONA, P.S- KHUTAUNA, DISTT.-
MADHUBANI.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. Geeta Devi Village Bairbona, PS Khutauna, Madhubani
2. GEETA DEVI W/O ARJUN SAH @ SAHU, D/O LAL BAHADUR SAH R/O
VILLAGE- BAIRBONA, P.S- KHUTAUNA, DISTT.- MADHUBANI AND
PRESENTLY RESIDING AT VILLAGE- SAHURIYA, P.S- ANDHRATHADHI,
DISTT.- MADHUBANI.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Prasad
For the Respondent/s: Mr. Anish Chandra

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

2 12-07-2024

I.A. No. 01 of 2024

The present interlocutory application has been
filed for condonation of delay of 346 days occurred in filing
the revision application preferred by the petitioner.

2. For the reasons mentioned in the application,
this interlocutory application is allowed and the delay of 346
days in filing the revision application is, hereby, condoned.

3. Accordingly, the interlocutory application stands
disposed of.

Cr. Revision No. 89 of 2024

Heard on admission.

2. The present revision application has been



preferred by the petitioner being aggrieved with the order dated 10.11.2022 passed by the learned Principal Judge, Family Court, Madhubani in Maintenance (M.R.) Case No. 241 of 2015, whereby the learned Family Court directed the petitioner to pay a monthly maintenance of Rs. 10,000/- to the opposite party No.2-wife.

3. Learned counsel for the petitioner submits that while granting the maintenance amount of Rs. 10,000/- monthly, the learned Family Court did not consider the fact that the petitioner is only a labourer and he does not possess any agricultural land or any other landed property and without discussing his income, the learned Family Court, passed the impugned order in mechanical manner, therefore, it is prayed by the counsel for the petitioner that the maintenance amount of Rs. 10,000/- per month granted by the Family Court may be reduced.

4. Heard learned counsel for the petitioner and perused the impugned order as well as other materials available on record and the documents annexed with the petition.

5. Undisputedly, the O.P. No.2 is the legally wedded wife of the petitioner and presently she is residing



separately from the petitioner. The learned Family Court on the basis of evidence available on record rightly arrived at a conclusion that the O.P. No.2 is residing separately with a reasonable cause and also rightly arrived at a conclusion that O.P. No.2 is unable to maintain herself.

6. Perusal of the impugned order shows that the witness, namely, Pravind Sah, in his cross-examination admitted the fact that the petitioner runs a vegetable and grocery shop and earns Rs. 500-700/- per day. Furthermore, the evidence of the petitioner adduced before the learned Family Court shows that he owns 5 kathas of agricultural land but there is no evidence available on record which establish that he earns some income from the said agricultural land either monthly or annually. Thus, from the evidence available on record, it is established that the petitioner earns Rs. 15,000-21,000/- (invariably) per month from his grocery shop itself.

7. At this juncture, it would also appropriate to note the fact that the petitioner has remarried with another lady as of now and undisputedly, the petitioner is presently residing with his second wife, meaning thereby, he has to maintain his both the wives from his sole income.



8. Considering the above income of the petitioner-husband, coupled with the fact that he has liability to maintain his two wives i.e. opposite party No.2 and second wife, the maintenance amount of Rs. 10,000/- per month granted to the O.P. No.2 only appears to be of some higher side.

9. Looking to the income of the petitioner and the present price index and also taking in to account of the fact that the petitioner has other liability, this Court deems it proper and appropriate to direct the petitioner to pay Rs. 7,000/- per month to the opposite party No.2- first wife instead of Rs. 10,000/- per month.

10. Accordingly, this revision application is partly allowed and consequently, the maintenance amount of Rs. 10,000/- granted by the Family Court is reduced to Rs. 7,000/- per month to be paid to the opposite party No.2.

11. With the aforesaid observation and direction, this revision application stands disposed of.

(Arvind Singh Chandel , J)

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