

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.82 of 2020**

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

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DEORAJ KUMAR @ DEORAJ TIWARI Son of Late Dr. Rameshchand Tiwari
Resident of Village and P.O.- Pandara, P.S.- Nirsa, Distt- Dhanbad
(Jharkhand)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Shano Rani D/o - Late Dilip Kumar, W/o Deoraj Kumar Resident of Village and P.O.- Pandara, P.S.- Nirsa, Distt- Dhanbad (Jharkhand). At present Resident of Mohalla- Rang Bahadur Road, Purani Jail Khana, P.S.- Kotwali, Distt- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kumar Gangesh Gunjan

For the Respondent/s: Mr.Jitendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

3 10-07-2024 Heard on admission.

2. The present revision application has been preferred by the petitioner being aggrieved with the order dated 11.11.2019 passed by the learned Principal Judge, Family Court, Gaya in Maintenance Case No. 49 of 2016, under Section 125 of the Code of Criminal Procedure, whereby the learned Family Court allowed the application of respondent No.2-wife and directed the petitioner to pay a monthly maintenance of Rs. 10,000/- to the respondent No.2-wife and Rs. 5,000/- to her children from the date of filing of the application.



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

4. Learned counsel for the petitioner submits that without being any sufficient evidence available on record, the learned Family Court arrived at a conclusion that the petitioner is a guest lecturer and getting monthly income of Rs. 55,000/- per month and passed the impugned order directing the petitioner to pay a monthly maintenance of Rs. 10,000/- month to the respondent-wife and Rs. 5,000/- to her children. Therefore, on this ground only, the impugned order is liable to be set aside.

5. Perusal of the impugned order clearly shows that even after valid service of notice, the petitioner did not appear before the learned Family Court, therefore, an *ex-parte* order has been passed against him. Before the learned Family Court, the respondent No.2 and witness No 2, namely, Abhishek Kumar, stated that the petitioner is a lecturer and earning Rs. 55,000/- monthly. Though no any documentary evidence has been produced by the respondent No.2 in this regard, but the statement of respondent No.2 and her witness, namely, Abhishek Kumar, were unrebutted.



6. Considering the unrebutted statements of both the aforesaid witnesses, the learned Family Court rightly arrived at the conclusion that the petitioner is getting monthly salary of Rs. 55,000/-, therefore, the order passed by the learned Family Court is based upon the evidence available on record, which not perverse or illegal.

7. Accordingly, this revision application is dismissed being devoid of merit at the admission stage itself.

(Arvind Singh Chandel , J)

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