

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.233 of 2020

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

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Jainendra Kumar Gupta @ Jainendra Prasad Gupta @ Jainendra Kumar Son
of Late Chandra Deo Prasad Gupta Resident of Village - Sirsia Khurd, P.S.-
Adapur, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Devi Wife of Jainendra Prasad Gupta @ Jainendra Kumar Gupta,
D/O- Bhola Prasad Sah Resident of Village - Dalpat Bishunpur, P.S.- Dhaka
(Pachpakri), District- East Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Respondent/s : Mr. Yogendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 14-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The instant criminal revision has arisen assailing
the judgment and order passed in Maintenance Case No. 183 of
2014 by the learned Principal Judge, Family Court, East
Champaran at Motihari. By passing the impugned order on
07.01.2020 the Trial Court granted maintenance allowance at
the rate of Rs.15,000/- per month in favour of the opposite
party/wife payable by the petitioner.

3. In the instant revision it is alleged by the
petitioner/husband that marriage of the parties was solemnized
in the year 2010. At the time of marriage, the petitioner was a



Medical Practitioner on contract basis at Adapur Dental Hospital. He used to earn Rs.30,000/- per month. If the said amount is considered to be the salary of the petitioner maintenance allowance at the rate of Rs.15,000/- is at the higher side.

4. It is also contended by the petitioner that the opposite party no.2 in her petition before the Trial Court held that the petitioner had landed property and a Tractor and he used to earn substantial amount of money from agriculture. However, the petitioner has denied the said fact.

5. In the instant revision the petitioner has prayed for reduction of maintenance allowance on the basis of the income of the petitioner.

6. Learned advocate for the opposite party no.2 on the other hand refers to para-12 of Page-6 of the impugned judgment wherefrom it is ascertained that the salary slip of the petitioner for the month of September, 2019 was marked as Exhibit-I. From the salary slip, it is ascertained that he used to get Rs.65,000/- per month in 2019.

7. It is needless to say that by this time when the instant revision is taken up for hearing, the salary of the petitioner has been increased.



8. At the time of argument, it is further ascertained that there is no dispute relating to relationship of the petitioner and the opposite party no.2 as husband and wife. It is also ascertained from the submissions of the learned advocates for both the parties that the opposite party no.2 has been residing in one room of her matrimonial home besides the house of the petitioner. Thus, it is not in dispute that the opposite party no.2/wife has been residing in one room of her matrimonial home.

9. It is submitted by the learned advocate for the opposite party no.2 that opposite party no.2 needs certain amount for her food, daily needs and amenities. The opposite party no.2 is the wife of a doctor. Her maintenance allowance should be fixed commensurating to her status.

10. I have duly considered the submission made by the learned advocates for the parties. It is found from the record that the petitioner has been going on paying Rs.15,000/- per month for the maintenance allowance of the opposite party no.2.

11. The learned advocate for the opposite party no.2 submits that if the salary of the petitioner be fixed even at Rs.65,000/- he is entitled to get maintenance of 1/3rd of the salary of the petitioner being Rs.22,500/- per month.



12. The guideline of 1/3rd of the salary amount was fixed by the Supreme Court considering opposite party no.2 accommodation, daily need and other amenities when the opposite party no.2 lives in a room of her matrimonial home separately from her husband, this Court is of the view that Rs.15,000/- is adequate amount for her daily need and proper amenities.

13. In view of such circumstances, I am not inclined to interfere with the judgment passed by the Trial Court in Maintenance Case No. 183 of 2014.

14. Accordingly, the instant revision is dismissed.

(Bibek Chaudhuri, J)

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