

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.268 of 2023

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

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PRABHAKAR KUMAR SON OF LATE SHIVNANDAN PRASAD SINGH
RESIDENT OF VILLAGE - BHABANIPUR, P.S. - MANIKPUR, DISTT. -
LAKHISARAI

... .. Petitioner/s

Versus

KASHISH KUMARI D/O ARUN MANDAL RESIDENT OF VILLAGE -
JAKARPURA, P.S. - SURAJGARHA, DISTT. - LAKHISARAI

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Parmanand Nr. Pd. Sahi
For the Respondent/s : Mr. Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

- 2 15-07-2024 1. The present revision application has been preferred by the petitioner/husband being aggrieved with the order dated 16 January, 2023 passed by the learned Principal Judge, Family Court, Lakhisarai in Maintenance Case No. 17 of 2021, whereby the learned Family Court allowed the application of respondent no. 2/wife filed under Section 125 of Cr. P.C. and directed the petitioner to pay monthly maintenance of Rs. 7000/- to the respondent no. 2, his wife and Rs. 4000/- to his minor son.
2. Having heard learned counsel for the petitioner and perused the impugned order and other documents annexed with the petition.
3. Undisputedly, the respondent no. 2 is the legally



wedded wife of the petitioner and she is residing separately from the petitioner with her minor child.

4. Perusal of the impugned order further shows that on the basis of complaint made by the respondent-wife, the Criminal Case under Section 498A of I.P.C. is also pending against the petitioner. The impugned order further shows that categorical allegations have been made by the petitioner on her wife that she has having an illicit relationship with a person. However, before the Family Court, the petitioner has unable to establish this fact. Therefore, on this ground only the respondent no. 2/wife is entitled to reside separately from the petitioner. The finding recorded by learned Family Court is based upon the evidence available on record, which is not perverse and contrary to the record. Thus, the finding of the Family Court that the respondent-wife is residing separately with sufficient cause and she is entitled to get maintenance is in accordance with the evidence available on record.

5. So far the quantum of maintenance amount is concerned, undisputedly, the petitioner is a Constable and at present getting monthly salary near about Rs. 50,000/-. Looking to the above, amount of maintenance Rs. 7000/- and Rs. 4000/- total of Rs. 11,000/- in favour of respondent and her minor child



also appears to be just and proper.

6. Resultantly, I do not find any merit in the revision petition. Hence, the present revision petition is dismissed.

(Arvind Singh Chandel , J)

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