

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.389 of 2019

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

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TRIPURARI SHAHI @ TIPPU LAL Son of Tapeswar Shahi, Resident of
Village - Shahwajpur, P.O. - Bhikhanpur, P.S.- Ahiyapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Kumari @ Chhaya Wife of Tripurari Shahi @ Tippu Lal , D/o Shailendra Singh Resident of Village - and P.O. Bharkurwa, P.S.- Rajepur, Distt.- East Champaran at Motihari.
3. Akrti @ Anamika Kumari (Minor) D/o tripurari Shahi @ Tippu Lal Through u her Natural gurdian Mother namely Priyanka Kumari @ Chhaya, Resident of Village - and P.O. - Bharkurwa, P.S.- Rajepur, Distt.- East Champaran at Motihari

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vibhut Kumar, Advocate Mr. Shilpi Singh, Advocate
For the State	:	Mr. Satyendra Prasad, APP
For the O.P. No.2 and 3	:	Mr. Ratneshwar Prasad, Advocate Ms. Nitu Kumari, Advocate Mr. Yogendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

16 09-12-2024 The present revision petition has been preferred by the petitioner/husband against the impugned maintenance order dated 10.09.2018 passed by learned Principal Judge, Family Court, Muzaffarpur , in Maintenance Case No. 150 of 2014 filed under Section 125 Cr.PC whereby learned Family Court has directed the petitioner/husband to pay Rs. 6000/- per month to his wife and Rs. 3000/- per month to his daughter towards their maintenance.

2. Heard learned counsel for the petitioner, learned



APP for the State and learned counsel for the Opposite Parties No. 2 and 3.

3. I considered the submission advanced by both the parties and perused the material on record.

4. Admittedly, the petitioner is married with Opposite Party No.2. It is also admitted that Opposite Party No. 3 is minor daughter of the petitioner and Opposite Parties No. 2/wife who, along with her daughter (Opposite Party No. 3), is living at her *Makey*. I further find that Opposite Party No. 2 has filed Maintenance Petition before learned Family Court praying for Rs.20,000/- per month towards her maintenance as well as maintenance of her daughter, claiming that on account of non-fulfillment of demand of additional dowry, she was subjected to cruelty and, hence, she was ousted from the matrimonial home and one criminal case under Section 498-A of the Indian Penal Code has been also lodged against the petitioner/husband which is pending consideration. She has claimed that the petitioner/husband has income of Rs.5,00,000/- per annum from the business of brokerage and Rs.2,00,000/- per annum from plying of Truck and four acres of agricultural land.

5. The petitioner has denied the claim of his wife regarding his income and as per his statement he owns only few



acres of land earning hardly Rs.25,000/- per year. He has also denied to have any business whatsoever. He has also claimed that Opposite Party No.2/wife is an educated lady and she is doing private tuition.

6. However, learned Family Court after appreciating the evidence on record has found that Opposite Party No. 2/wife could not produce any documentary evidence in support of her claim regarding business of her husband. Even the husband could not prove that the wife is having any earning.

7. However, the fact remains that the Opposite Parties No. 2 and 3 are legally wedded wife and Opposite Party No. 3 is the daughter of the petitioner and he has responsibility to maintain them. It is also not disputed that the petitioner/husband has some agricultural land and he is able bodied person. Hence, he is duty bound to maintain his wife and daughter. However, the quantum of maintenance as decided by learned Family Court is somewhat on higher side in view of the proved income of the petitioner/husband.

8. Hence, the impugned order is modified to the extent that husband shall pay only Rs.5,000/- per month to his wife. However, quantum of maintenance payable to his daughter needs no interference. As such, the petitioner is liable



to pay total amount of Rs.8,000/- per month towards maintenance of his wife and daughter since the date of filing of the Maintenance Petition in the Family Court.

9. If there is any arrear of the maintenance, the wife and child of the petitioner/husband have remedy to file appropriate application before the Family Court for enforcement of the order.

10. Accordingly, the present petition stands part allowed.

11. The pending interim order, if any, stands vacated.

(Jitendra Kumar, J.)

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