

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.557 of 2018

Arising Out of PS. Case No.- Year-1111 Thana- District-

Rajesh Chouhan Son of Ramjee Chouhan, resident of Village- Jakhaur, P.S.- Roh, District- Nawada.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr.
2. Sunita Devi, Daughter of Rameshwar Chouhan, resident of Village- Jakhaur, P.S.- Roh, District- Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Hansraj, Advocate
For the Opposite Party	:	Mr. Sheo Kumar, Advocate
For the Respondent/s	:	Sri Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 23-01-2024 The instant Revision is directed against an order passed by the learned Principal Judge, Family Court at Nawada in Misc. Case No. 91 of 2013 on 27th February, 2018 by passing the said order, the petitioner was directed to pay maintenance at the rate of Rs. 3,000/- per month to the opposite party no. 2 and Rs. 1,000/- each per month to the minor children of the parties. It was the case of the opposite party no.2 that he is a labour contractor and earns Rs. 10,000/- per month. Beside this income, the petitioner has 10 bighas of landed property from which he earns Rs. 50,000/- per month.

2. The learned Judge considering such averment made by the opposite party no.2 in her petition under Section 125 of the Cr.P.C. and the evidence laid by her granted maintenance allowance as stated above.

3. It is submitted by the learned Advocate for the



petitioner/husband that petitioner is a daily wages labourer and he does not have any agricultural land. It will cause tremendous hardship if he is forced to pay Rs. 5,000/- per month in favour of the opposite party no.2. Having heard the learned Advocate for the petitioner, even if, this court considers that the petitioner is a daily wages labourer and he has no fixed income, his income should be considered on the basis of minimum wages that a labourer is entitled to get under the Statute. In that event, this court holds that the petitioner earns Rs. 12,000/- per month as daily wages labourer. One third of Rs. 12,000/- comes to Rs. 4,000/- per month, therefore, the quantum of maintenance order passed by the learned Principal Judge, Family Court, Nawada on 27th February, 2018 is modified to the extent that the petitioner shall go on paying a sum of Rs. 2000/- per month to the opposite party no.2. Remaining orders relating to amount of maintenance for the minor children of the parties remains unchanged and affirmed. Thus, the petitioner is directed to pay Rs. 4,000/- per month to the opposite party no.2.

4. The instant Revision is accordingly, disposed of.

(Bibek Chaudhuri, J)

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