

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.382 of 2024

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

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NEERAJ KUMAR SON OF JAGDISH TIWARI RESIDENT OF VILLAGE -
KULHARIYA, P.S. - PARBATA, DISTRICT - KHAGARIA

... .. Petitioner/s

Versus

1. The State of Bihar
2. ARPANA KUMARI WIFE OF NEERAJ KUMAR, DAUGHTER OF
JAGDISH CHAURASIA RESIDENT OF VILLAGE - ENGLISH TOLA,
MAHESHKUTH, P.S. - MAHESHKHUT, DISTRICT - KHAGARIA

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Murli Manohar Singh
For the Respondent/s	:	Mr. Sanjay Kumar Tiwary
For the O.P. No.2	:	Mrs. Kumari Archana, Advocate
		Mr. Gaurav Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

5 27-11-2024 Heard learned counsel for the parties.

2. This revision petition has been preferred by the petitioner (husband) being aggrieved with the order dated 23.01.2024 passed by the learned Principal Judge, Family Court, Khagaria in Maintenance Case No. 29(M) of 2018 whereby and whereunder the learned Family Court while allowing the application u/s 125 Cr.P.C. submitted by wife directed the petitioner to pay a monthly maintenance amount of Rs. 6,000/- to the O.P. - Wife and Rs. 2,000/- to her minor son namely Niraj Kumar from the date of submission of the application u/s 125 Cr.P.C. i.e. 07.06.2018.



3. It is submitted by learned counsel for the petitioner that though at the time of passing of the order the monthly salary of the petitioner was about 25,000/- (Twenty Five Thousand) but at the time of submission of application u/s 125 Cr.P.C. he was getting monthly salary near about 15,000/-. Therefore, he is unable to pay maintenance amount as directed by learned Family Court, Khagaria from the date of application. It is submitted by learned counsel that the petitioner is ready to pay the maintenance amount as directed by the learned Family Court from the date of order i.e. 23.01.2024.

4. Learned counsel for the respondent opposes the argument made by learned counsel for the petitioner.

5. Heard both the counsels, perused the impugned order as well as the materials available on record.

6. Perusal of the last part of the para 20 of the impugned order clearly shows that during course of argument, the petitioner himself agreed that he is ready to pay Rs. 8,000/- per month as a maintenance to the wife and her minor son. The above proposal made by the petitioner himself is also accepted by his O.P.- wife and on the basis of above submissions made by both the parties, the learned Family Court has directed the petitioner to pay monthly maintenance of Rs. 8,000/- to his O.P.-



wife and her son. Thus, there is no any affirmity or illegality in this part of the order.

7. With regard to the other argument raised by the learned counsel i.e. the petitioner is unable to pay maintenance from the date of order is concerned as admitted by learned counsel himself, it is well established that at the time of submission of application, the petitioner was getting monthly income of Rs. 15,000/- and from para 20 of the impugned judgment further shows that petitioner has also got some joint agricultural land with other coparcener.

8. Looking to the above and further considering the law laid down by Hon'ble Supreme Court in the case of *Rajnesh vs. Neha & Anr. reported in (2021) 2 SCC 324*, order of the Family Court for payment of maintenance from the date of submission of application is also accordance with law.

9. Resultantly, I do not find any merit in this revision petition. Accordingly, this revision petition is dismissed having no ground at the admission stage itself.

(Arvind Singh Chandel , J)

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