

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1391 of 2018

In
Miscellaneous Appeal No.496 of 2018

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

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Abhijat Kumar @ Pawan Kumar, son of Gnauri Prasad, R/O village –
Sikandra, P.S. - Silaw, District - Nalanda

... .. Petitioner/s

Versus

Renu Devi @ Pinki W/o Abhijat Kumar @ Pawan Kumar, D/o ramashray
Prasad, resident of village – Mirdahachak, P.S. - Harnaut, District - Nalanda

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ravi Shankar, Advocate Mr. Anand Kishore, Advocate Mr. Shiw Kumar Prabhakar
For the Respondent/s	:	Mr. Ashok Kumar Mishra

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

7 28-02-2024 1. The instant revision is directed against an order passed by the learned Principal Judge, Family Court, Nalanda at Biharsharif in Maintenance Case No. 30M of 2014 on 2nd of May, 2018, directing the petitioner to pay maintenance at the rate of Rs. 7,000/- per month to the Opposite Party and Rs. 3,000/- per month for the minor daughter of the parties, total being Rs. 10,000/-.

2. It is not in dispute that the petitioner is the legally wedded husband of the Opposite Party. The relation between the Opposite Party and the petitioner is strained to such an extent that the petitioner is compelled to file a suit for divorce against the Opposite Party, which is registered as Divorce Case No. 151



of 2013 in the Court of the learned Principal Judge, Family Court, Nalanda at Biharsharif. The said case is still pending.

3. Filing of the divorce suit suggests that the Opposite Party and her daughter does not reside with the petitioner.

4. It is submitted by the learned Advocate for the Opposite Party that the petitioner was appointed as Constable of Bihar Police and he is promoted to the post of Hawaldar. He earns about Rs. 45,000/- per month at present.

5. Considering the income of the petitioner, I find that the learned Principal Judge assessed the quantum of maintenance properly taking into account all aspects of the matter.

6. Further, it is submitted by the learned Advocate for the petitioner that he has been going on paying Rs. 10,000/- per month.

7. In view of such circumstances, it is presumed that the petitioner does not have any objection to pay the said amount Rs. 10,000/- to the Opposite Party for the maintenance of the Opposite Party and her daughter.

8. Considering such aspect of the matter, I do not find any merit in the instant revision and accordingly the instant revision is dismissed.



9. The impugned order, passed by the learned Principal Judge, Family Court, Nalanda at Biharsharif, in Maintenance Case No. 30M of 2014, dated 2nd of May, 2018, is affirmed.

(Bibek Chaudhuri, J)

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