

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No 437 of 2022**

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

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Soumitra Sinha Son Of Prashant Kumar Sinha R/O- Vill- Amarari,P.S.-
Nawada, Dist.- Bhojpur

... .. Petitioner/s

Versus

Neha Prakash D/o Shiv Prakash Sinha R/o Mohalla - Balua Bazar, P.s. -
Motihari Town, Distt. - East Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Lakshmi Kant Sharma
For the Respondent/s : Mr.Rajesh Ranjan

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CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL JUDGMENT

Date : 08-08-2024

Heard.

2 This petition has been preferred by the petitioner-husband being aggrieved with the judgment dated 26.05.2022 passed in Maintenance Case No 181 of 2020 by the learned Principal Judge, Family Court, East Champaran, Motihari whereby the learned Family Court allowed the application filed under Section 125 of the Cr P C submitted by the opposite party-wife and directed the petitioner to pay a monthly maintenance of Rs 26,000/- to the opposite party-wife from the date of filing of application, i e, 16.10.2020.

3 It is submitted by the learned counsel for the petitioner that while granting the order of maintenance, the learned Principal



Judge, Family Court did not consider the fact that the opposite party-wife is degree holder of BDS and regular practitioner. The learned Principal Judge, Family Court also did not consider the fact that she also runs some you tube channel and from this work also, she is getting some income. Without considering the above, the learned Principal Judge, Family Court directed the petitioner to pay the amount of maintenance of Rs 26,000/- to the opposite party-wife which is higher side.

4 Perusal of the record clearly shows that the opposite party is the legally wedded wife of the petitioner and is residing separately. It also appears that the petitioner himself filed an application under Section 13 of the Hindu Marriage Act for grant of divorce against the opposite party-wife at Bhavnagar. Therefore, considering the above and further considering the materials available on record, the learned Principal Judge, Family Court rightly arrived at the conclusion that the opposite party-wife is residing separately with sufficient cause.

5 With regard to quantum of maintenance, perusal of the record shows that at the time of passing the order, the petitioner was getting monthly salary of Rs 78,437/-. He is a Class I officer in the Railways. Though his parents are dependent on him but the fact remains that his parents are also getting some pension.



6 There is also no dispute on the point that the opposite party-wife is a degree holder of BDS. The pleading was made by the petitioner-husband before the Principal Judge Family Court that the opposite party-wife is a practicing doctor and also runs some you tube channel and from both the works, she gets sufficient income. However, before the learned Principal Judge, Family Court, the petitioner, for establishing the fact that the opposite party-wife is also earning, has not produced any evidence. Therefore, I do not find any substance in the argument raised by the learned counsel for the petitioner that the opposite party-wife is a practicing doctor and also earns money from you tube channel.

7 Considering the monthly income of the petitioner and further considering his liabilities, maintenance amount of Rs 26,000/- appears to be just and proper.

8 Resultantly, I do not find any merit in this revision petition which is dismissed accordingly.

(Arvind Singh Chandel, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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