

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.412 of 2024

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

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Shakti Kishore Yadav Son Of Late Chandeshwar Rai Resident Of Village - Ghoshi, P.S. - Ghoshi And District - Jehanabad

... .. Petitioner/s

Versus

Khushboo Devi Wife Of Shakti Kishore Yadav, Daughter Of Rajendra Prasad Resident Of Village - Keshopur, P.S. - Telhada And District - Nalanda

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Dinkar Kumar, Adv.

For the Opposite Party : Mr.Sanjay Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

6 18-10-2024 Heard both parties.

2. Pursuant to the order dated 23.09.2024, both the parties are present before this Court personally. This Court heard both the parties and it appears that there is no chance of settlement between the parties.

3. With the consent of the both the parties, heard finally.

4. This revision petition has been preferred by the petitioner (husband) being aggrieved with the order dated 04.04.2024 passed by learned Principal Judge, Family Court, Jehanabad in Maintenance Case No. 56/2018 whereby and whereunder the learned Family Court while



allowing the application filed by the O.P.-wife. under Section 125 Cr.P.C. directed the petitioner to pay monthly maintenance of Rs. 8,000/- per month to O.P.-wife and from the date of filing of the application under Section 125 Cr.P.C.

5. Undisputedly, O.P. is the wife of petitioner and at present, she is residing separately.

6. It is submitted by learned counsel for the petitioner that the petitioner is ready to take the O.P.-wife with him, but she refused to go with him without any reasonable cause and this aspect has not been considered by the learned Family Court, therefore, the impugned order on this ground only is liable to be set aside. It is further submitted that considering the other liabilities of the petitioner, the amount of maintenance as ordered by the learned Family Court is in higher side and is liable to be set aside.

7. Learned counsel for opposite party opposed the prayer made by the petitioner.

8. Heard both sides, perused the statements of the parties recorded by the learned Family Court.



9. Perusal of the statement of O.P.-wife clearly shows that after 7 years of marriage, in 2018 she was ousted by the petitioner and from then, she is residing separately. It also appears that on the basis of a report made by the O.P.-wife, a criminal case under Section 498A Cr.P.C. is also pending against the petitioner. In her cross-examination in Para '26', the O.P.-wife categorically stated that she is not ready to reside with the petitioner-husband as she has an apprehension that her husband will commit *maar peet* with her again. During the course of argument, it is fairly admitted by learned counsel for the petitioner that the petitioner/ husband has not filed an application under Section 9 of the Hindu Marriage Act before any competent court. Considering the above, it is well established that the O.P.-wife has a reasonable ground to reside separately and the finding recorded by the learned Family Court in this regard is based upon the evidence available in record.

10. With regard to the quantum of maintenance is concerned, the learned Family Court on the basis of statements and affidavits submitted by both the parties passed the order of maintenance of Rs. 8,000/- against the



petitioner. As admitted by the petitioner himself his salary is about Rs.38,000/- per month and considering his other liabilities, the amount of Rs. 8,000/- as ordered by the learned Family Court is also appears to be just and proper.

11. Hence, I do not find any merit in this revision petition. Accordingly, this petition is dismissed.

(Arvind Singh Chandel , J)

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