

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.839 of 2018

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

Abhay Anand Son of Sri Vinay Kumar Pandit, resident of Village- 249 Old Bhatti Gali Bihari Mill/ Anaithi P.S. Ara Nawada, District- Bhojpur.

... .. Petitioner/s

Versus

Ranju Devi Wife of Abhay Anand, Daughter of Ram Bahadur Pandit, resident of Village- Kakra, P.S. Jagdishpur, District- Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Parmatma Singh, Advocate
For the Opposite Party	:	Mr.Ajay Kumar Singh, Advocate
For the State	:	Ms.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

6 16-01-2024 In the instant revision, quantum of maintenance passed in Maintenance Case No. 20 of 2013 on 17th of May, 2018, by the Principal Judge, Family, Court at Bhojpur is under challenge on the ground that the petitioner has no financial capacity to maintain his wife and minor child.

2. It is the case of the Opposite Party No. 2/wife that the petitioner has a shop and he earns Rs. 9,000/- per month. The petitioner, on the other hand, pleaded that he has no shop and there is of course a shop in the name of his father. He does not have any regular income.

3. On the basis of the said pleading, both the parties led evidence before the Trial Court. The learned Trial Judge on appreciation of evidence made the following findings:-



"दोनों पक्षों द्वारा प्रस्तुत साक्षों के विश्लेषण से स्पष्ट है कि बिहारी मिल पर विपक्षी की किराना दूकान है तथा अन्य स्रोतों से भी उसे आय का साधन है। आवेदिका की ओर से यह कहा गया है कि 10-15 हजार रुपये की प्रतिदिन आमदनी किराना दूकान से है। इस सभावना से इनकार नहीं किया जा सकता कि आवेदिका दूकान में बिक्री की गई राशि और लाभ में फर्क न जानती हो। यदि उक्त राशि को बिक्री राशि भी मान लिया जाए तो भी विपक्षी का प्रतिदिन हजार डेढ़ हजार रुपये से अधिक की आय है तथा वह एक साधन सम्पन्न व्यक्ति है।"

4. The learned Trial Judge also found that unless the petitioner has no sufficient means to maintain his wife, he had not married another lady for the second time. Second marriage of the petitioner is admitted fact.

5. In view of such circumstances, accepting the evidence of the petitioner on the principle of preponderance of probability, I do not find any reason to interfere over the impugned order.

6. Accordingly, the impugned order is affirmed and the revisional application is dismissed.

(Bibek Chaudhuri, J)

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