

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.186 of 2021

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

SANTOSH CHAUDHARY Son of Garjan Chaudhary Resident of Village-
Ataon, P.S.- Dumraon, District- Buxar at present House No.146, Block- C, 70
Ft. Road, Prem Nagar, Nagloy, Delhi (near Savitri Katariya), Sukar Bazar
Chowki No.1, Delhi.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Veena Devi W/o Santosh Chaudhary, D/o Ram Sagar Chaudhary Resident of
Village- Ataon, Police Station- Dumraon, District- Buxar at present Diwan
ke Barka Gaon, P.S.- Sikraul, District- Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Jitendra Prasad Singh Varun Krishna Singh, Adv
For the Respondent/s	:	Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

3 31-08-2024 Heard learned counsel for the petitioner Perused the
impugned order as well as the documents annexed with the
petition.

2. This revision petition has been preferred by the
petitioner(husband) being aggrieved with the judgment dated
26.02.2020 passed by the Principal Judge, Family Court, Buxar
in Maintenance Case No. 92/2013 whereby and where under the
learned Family Court directed the petition to pay monthly
maintenance of Rs. 4,000/- to the O.P.-wife and 2,000/- for her
minor children.

3. Undisputedly, the O.P. No. 02 is the legally wedded



wife of the petitioner and she is residing separately to the petitioner along with her two minor children.

4. Learned counsel for the petitioner submits that while granting the maintenance amount, the learned Family Court did not consider the fact that O.P.-wife is a teacher, and therefore, she is capable of maintain herself. He further submits that the learned Family Court, only on the basis of presumption arrived on the conclusion that applicant petitioner is capable to earn Rs. 15,000/- per month and granted the maintenance order which is perverse.

5. Perusal of the impugned order and the documents annexed to the petition clearly shows that though the petitioner husband stated before the Family Court that the O.P.-wife is a teacher but in this regard no any evidence has been produced by him before the Family Court, therefore, the learned Family Court rightly arrived at the conclusion that the O.P.-wife is unable to maintain herself.

6. Perusal of the impugned order further shows that before the learned Family Court, the petitioner himself admitted the fact that he is doing the work of labourer at Delhi. He has not stated anything that due to mental and physical ailment, he is unable to earn anything. Thus, the Family Court rightly



arrived at the conclusion that the petitioner is capable to earn about 15,000/- per month.

7. Resultantly, I do not find any merit in the petition on the basis of which the impugned order can be modified. Thus revision petition is dismissed, having no merit.

(Arvind Singh Chandel , J)

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