

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.674 of 2019

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

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Manoj Kumar Son of Parmanand Keshri Resident of Village/Mohalla- Khash Bazaar Chowk, P.S.- Haveli Kharagpur, District- Munger.

... .. Petitioner/s

Versus

Rani Keshri wife of Manoj Kumar, Daughter of Sri Upendra Prasad Keshri Resident of Mohalla- Khash Bazaar Chowk, P.S.- Haveli Kharagpur, District- Munger, At Present, Village- Bakhari, P.S.- Bakhri, District- Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Tarkeshwar Pd. Verma, Advocate
For the Respondent/s : Mr.Sandip Kumar Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 23-01-2024 The instant Revision is directed against an order passed in Maintenance Case No. 98-M of 2016 by the learned Principal Judge, Family Court, Begusarai, on 28th March, 2019, directing the petitioner to pay maintenance allowance at the rate of Rs. 11,000/- per month in favour of the Opposite Party No. 2/wife. It is not in dispute that Opposite Party No. 2 is the legally married wife of the petitioner, and their marriage was solemnized on 14th of July, 2013. It is the case of Opposite Party No. 2 that, after marriage, she was treated with cruelty. The petitioner refused and neglected to maintain her, and subsequently, she was driven away from her matrimonial home. It is also stated by Opposite Party No. 2 that the petitioner works as an accountant in a private limited company, from



which he earns. Rs. 25,000/- per month as salary. Moreover, he has two shops and a grocery shop, and he earns Rs. 1,50,000/- per month from his business. He also earns Rs. 6,000/- per month from the rent received by him from his tenants.

2. The marriage is not in dispute. The petitioner, however, stated that he has no income of his own. He is unemployed. He is a student of the final year Company Secretary Course, and he is ready to maintain his wife at his house. The parties led evidence in support of their case.

3. It is true that neither of the parties could produce any document in support of the income of the present petitioner. While the petitioner failed to produce any documents, while the opposite party failed to produce any documents in support of the employment and salary of the petitioner, the petitioner also failed to produce any chit of paper to show that he is still a student.

4. On perusal of the impugned order, I find that the Trial Court without coming into a specific finding as regards income of the petitioner directed him to pay maintenance to the Opposite Party No. 2 at the rate of Rs. 11,000/- per month.

5. At the same time, I am not unmindful to note that, as a husband, the petitioner is under obligation to maintain



his wife. He is an able-bodied, educated young man and capable to earn. Therefore, the petitioner is under obligation to maintain his wife. However, considering the fact that the Opposite Party No. 2 has failed to produce any document with regard to the income of her husband, considering the present market value of the essential amenities and the bare needs of the petitioner, this Court is of the view that the Opposite Party No. 2 is entitled to get maintenance at the rate of Rs. 6,000/- per month.

6. With the above order, the impugned order is modified.

7. The instant Revision is accordingly allowed on the contest. There shall, however, be no order as to cost.

(Bibek Chaudhuri, J)

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