

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.726 of 2019

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

MD. AAMIR @ MD. AMIR, S/o Md. Jamir R/o village- Rashidpur Tola
Pamariya, Ward No. 8, P.S.- Bachhwara, District- Begusarai

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Nazma Khatoon @ Nazma Khatun, W/o Md. Aamir @ Md. Amir, D/o Late
Md. Tabarak R/o village- Bari Ballia, Abbasi Tola, P.S.- Ballia, District-
Begusarai

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sandip Kumar Gautam
For the Respondent/s	:	Mr. Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 29-01-2024 1. The instant revision is directed against an order passed by the learned Principal Judge, Family Court, Begusarai in Maintenance Case No. 119M of 2017, dated 16th of March, 2019, directing the petitioner to pay maintenance allowance at the rate of Rs. 7,000/- per month to the Opposite Party No. 2 and one time litigation cost of Rs. 5,000/-.

2. Marriage between the parties is not denied. It is also not denied that the petitioner has been residing separately. There is no evidence on record that a single farthing has been paid to Opposite Party No. 2 for her maintenance. The impugned order was challenged only on the point of quantum of maintenance.



3. The Opposite Party No. 2 has alleged that the petitioner is engaged in repairing tyres of four wheelers and he earns Rs. 25,000/- per month. The said pleading has not been denied by the petitioner in his show-cause before the Trial Court.

4. It is needless to say that if a pleading on facts is not denied, it is held to be admitted by the adversary on the doctrine of non-traversal of pleading.

5. The learned Advocate for the petitioner submits that the Opposite Party No. 2 failed to produce any document in support of the income of her husband.

6. Question of proving the income of the husband only comes where the husband denies the quantum of income claimed by the wife. When the said fact is not denied, the Court will have no other alternative but to hold that the Opposite Party pleaded in her petition under Section 125 of the Cr.P.C. correctly with regard to income of the petitioner.

7. Thus, holding the petitioner's income to be Rs. 25,000/- per month, amount of maintenance at the rate of Rs. 7,000/- is not, at all, excessive.

8. For the reasons stated above, I do not find any reason to interfere against the order impugned.



9. The instant revision is accordingly dismissed.

(Bibek Chaudhuri, J)

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