

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.508 of 2022**

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

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PAWAN SAH Son of Sri Suresh Sah Resident of village- Bhainsa Dih, Post- Rohiyama, P.S- Beldour, Dist- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Smt. Nitu Devi Wife of Sri Pawan Sah, D/o Sri Ashok Sah Resident of village- Bhainsa Dih, Post- Rohiyama, Ps- Beldour, Dist- Khagaria, At present residing at Telia Hat, P.O- Sarbela, P.S- Banma Itahari, Dist- Saharsa

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shivpujan Sahay

For the Respondent/s: : Mr.Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

2 23-07-2024

Heard on admission.

2. Being aggrieved with the order dated 23.05.2022 passed in Maintenance Case No. 23 of 2018, this revision application has been preferred by the petitioner-husband, whereby the learned Family Court directed the petitioner to pay a monthly maintenance of Rs. 3,000/- to opposite party No.2 and Rs. 15,00/- to her minor daughter.

3. Undisputedly, the opposite party No.2 is a legally wedded wife of the petitioner and she is residing separately with her minor daughter. Before the Family Court, it was the pleading of the petitioner that the O.P. No.2-wife is living



separately without any reasonable cause and for taking her back, he preferred an application under Section 9 of the Hindu Marriage Act before the Family Court. However, before the Family Court, the petitioner is unable to establish the fact that O.P. No.2-wife is residing separately without any sufficient cause rather it is established that on the basis of statement made by the O.P. No.2- wife, a criminal case under Section 458-A of IPC is pending against the petitioner.

4. With regard to the petition filed under Section 9 of the Hindu Marriage Act is concerned, perusal of the impugned order clearly shows that the said petition was also dismissed for want of prosecution. Even thereafter, the petitioner did not make any effort to take her wife-O.P. No.2 back. On the basis of the evidence available on record, the learned Family Court rightly arrived at the conclusion that O.P. No.2 is residing separately with a sufficient cause and also rightly arrived at a conclusion that she is unable to maintain herself and her minor daughter.

5. With regard to the quantum of maintenance amount is concerned, the petitioner himself admitted that he is doing a work of labourer and getting a daily income of Rs. 300-350/-, therefore, considering the above income of the



petitioner, the amount of maintenance of Rs. 3000/- and Rs. 1500/- per month for both O.P. No.2 and her minor daughter appears to be just and proper.

6. In such view of the matter, this Court does not find any illegality or perversity in the order passed by the learned Family Court. Resultantly, this revision petition is dismissed at the admission stage itself being devoid of merit.

(Arvind Singh Chandel , J)

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