

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.515 of 2022

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

Md. Javed @ Pinku S/O Late Md. Israil @ Md. Israil Abbasi R/O Village-
Azad Nagar, Ward No. 14, Ali Nagar Chowk, Ward No. 13, P.S.- Aurangabad
Town, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Farida Khatoon W/o Md. Javed @ Pinku @ D/o Late Md. Sagir R/o village-
Azad Nagar, Ward No. 14, P.S.- Aurangabad Town, District- Aurangabad
(Bihar), at present residing at Mohalla- Ibrahim Shahid, Ward No. 08, P.S.-
Daudnagar, District- Aurangabad (Bihar)

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Leelawati Kumari, Adv.
For the Respondent/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

3 09-09-2024 Heard on admission.

2. This revision petition has been preferred by the petitioner being aggrieved with the Order dated 02.06.2022 passed by the learned Principal Judge, Family Court, Aurangabad in Maintenance Case No. 12 of 2019 whereby and whereunder the learned Family Court allowed the application filed under Section 125 by the O.P. - Wife and directed the petitioner to pay a monthly maintenance of Rs. 1,500/- to the O.P.- Wife from the date of filing of the maintenance petition i.e. 19.01.2019.

3. Learned counsel for the petitioner submits that the



petitioner is ready to keep the O.P.- Wife with him but without considering this fact, the learned Family Court directed the petitioner to pay a monthly maintenance amount to the O.P. - Wife. He further submit that in the affidavit submitted by the petitioner before the learned Family Court clearly shows that he is earning only Rs. 3,000/- per month and his mother is also dependent upon him. Therefore, the order of payment of Rs. 1,500/- monthly maintenance is on higher side.

4. I have perused the impugned order as well as other documents annexed with the revision petition.

5. Undisputedly, the O.P. is the legally wedded wife of the petitioner and is residing separately from the petitioner. In her statement recorded before the Family Court she stated that after one year of the marriage the petitioner-husband assaulted her and outs her from his home, since, then she is residing in her mayka. Considering the above statement of the O.P. - Wife the learned Family Court arrived on the conclusion that she is residing separately with sufficient cause which is neither perverse nor contrary to the record.

6. At the time of argument also, it is admitted by the counsel for the petitioner that the petitioner-husband did not file any application under Section 9 of the Hindu Marriage Act for



restitution of conjugal rights with the O.P. - Wife. He also admitted the fact that the petitioner-husband did not convey any village meeting in this regard. Thus, the contention made by the counsel for the petitioner that he is ready to keep her wife with him is not acceptable.

7. With regard to the quantum of the maintenance is concerned, admittedly the petitioner is a labourer but there is no evidence available on record which shows that due to physical or mental illness he is unable to do the work of labourer. Considering his income and other liabilities, the amount of maintenance i.e. Rs. 1,500/- as ordered by the Family Court appears to be just and proper.

8. Accordingly, this revision petition is dismissed, having no merit, at the admission stage itself.

(Arvind Singh Chandel , J)

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