

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.821 of 2019

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

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SANJAY SINGH

... .. Petitioner/s

Versus

RANJITA RAJANI

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Raghav Prasad
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

- 2 29-01-2024 Only point of difference in the instant Revision is regarding the income of the petitioner and the opposite party. While the opposite party as petitioner in the trial court claimed that the petitioner earns approximately Rs. 10 lakh per annum by running a shop of readymade cloths as well as from his agricultural produce, the petitioner claimed that the opposite party has leased out a portion of her land over which a telephone tower has been set up and she earns Rs. 25,000/- per month towards the premium of the lease. The trial court had dealt with the issue without any document having been filed by either of the parties. When there is no document as to income filed by the parties, it would have been included for the trial court to direct the parties to file affidavits of assets and liabilities in terms of the direction made by the Hon'ble Supreme Court in the case of



Rajnesh vs. Neha & Anr. reported in ***(2021) 2 SCC 324.***

2. On perusal of the impugned order, I find that the trial court on the basis of surmise and conjecture came to a decision regarding income of the petitioner and the claim of the opposite party.

3. For the reasons stated above, the impugned order cannot be sustained.

4. Maintenance Case No. 19 of 2018 be sent down to the trial court for further disposal on the basis of the affidavits of assets which are directed to be filed by both the parties regarding the income and liabilities of the parties. Only on the basis of such affidavits of assets, the learned trial Judge shall fix the quantum of maintenance.

5. It is made clear that since this order is passed without notice to the opposite party no.2/petitioner in the trial court, the learned trial court is directed to issue notice upon the petitioner before the court below. The opposite party is at liberty to act on the server copy of this order.

(Bibek Chaudhuri, J)

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