

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.865 of 2018

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Dinesh Kumar

... .. Petitioner/s

Versus

The State Of Bihar and Ors

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Pd. Singh, Adv.

For the Respondent/s : Mr. Sri Anil Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

2 09-07-2024

1. Heard.

2. This petition has been preferred by the petitioner being aggrieved with the order dated 02.06.2018 passed by the learned Principal Judge, Family Court, Muzaffarpur in Maintenance case no. 471/15 whereby the learned Family Court allowed the application of the respondent no. 2 to 4 and directed the petitioner to pay a monthly maintenance amount of Rs. 2,000/- to the respondent no. 2 - wife and respondent no. 3 and 4 - children of the petitioner, in total an amount of Rs. 8,000/-.

3. Heard learned counsel for the petitioner, perused the impugned order as well as documents submitted by the petitioner.

4. Undisputedly, the respondent no. 2 is the legally wedded wife of the petitioner and the respondent no. 3 and 4 are



his children. There is no dispute on the point that all the above-mentioned respondents are residing separately.

5. The counsel for the petitioner submit that while passing the order of the maintenance, the learned Family Court did not consider the fact that the respondent no. 2 – wife is also an advocate and earning handsome monthly income. In spite of that the Family Court passed such order of maintenance against the petitioner. Therefore, on this ground only the impugned order is liable to be set aside.

6. The perusal of the impugned order clearly shows that the petitioner as well as the respondent no. 2 i.e. wife, both are advocates. As observed by the Family Court, the petitioner is practicing since 2003 and the respondent no. 2 – wife is registered as an advocate in the year 2015. Though the respondent no. 2 -wife is an registered advocate but there is no evidence available on record which shows that she actually is a practicing advocate and is able to earn from practice. Perusal of the impugned order further shows that the petitioner- husband did not appear before the Family Court nor sight or examine any witnesses before the Family Court.

7. On the basis of oral statement made by the respondent- wife and her witnesses the Family Court rightly



arrived on the conclusion that the petitioner is a registered advocate from 2003 and is earning about Rs. 20,000/- per month as well as he is also getting income from agricultural land and other sources. Therefore, the finding of the learned Family Court based upon the evidence available on record is neither perverse nor contrary to the record.

7. Therefore, I do not find any merit in this petition accordingly, this revision petition is dismissed finding no merit at the admission stage itself.

(Arvind Singh Chandel , J)

siddharth/-

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