

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.826 of 2019

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

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KAMLESH KUMAR DIWAKAR Son of Arjun Prasad Resident of Bokaro Steel City, Sector 12 (A), Quarter No. 1205 Bokaro, P.S.- Bokaro, Distt - Bokaro

... .. Petitioner/s

Versus

ABHA KUMARI D/o Yogendra Prasad Resident of Village - Mathiyar, P.S.- Harnaut, Distt - Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Parmanand Pd. Nr. Sahi
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 29-01-2024 The instant Revision is directed against an order dated 11th June, 2019 passed in Maintenance Case No. 100 (M) of 2013 passed by the learned Principal Judge, Family Court, Nalanda at Biharsharif directing the petitioner to pay maintenance at the rate of Rs. 4,000/- per month to his wife, opposite party no.2 herein and Rs. 2,000/- per month to the minor son of the parties, total being 6,000/- per month.

2. It is submitted by the learned Advocate for the petitioner that the trial court passed the impugned order of maintenance without considering the income of the petitioner. Moreover, trial court did not consider the case of the petitioner to the effect that she is a teacher of a private school and she has sufficient means to maintain herself.



3. Having heard the learned Advocate for the petitioner and on perusal of the impugned order, it is ascertained that the trial court of course found that the opposite party no.2 is a teacher of a private school but she earns Rs. 5,000/- per month. On the other hand, it is held by the trial court that the opposite party is an employee of a private firm as a manager and he earns Rs. 30,000/- per month. Moreover, he has some agricultural land in his village. This fact has not been specifically denied by the present petition. He is embarking upon the income of the opposite party. It is needless to say that considering present day market price of essential commodities a sum of Rs. 5,000/- is bare minimum for a person to live, it is also not *res integra* that maintenance allowance is required to be fixed according to the status of the parties. A wife of manager of the private forum and a school teacher who earns Rs. 5,000/- was granted maintenance at the rate of Rs. 4,000/- that means the trial court directed the opposite party no.2 to maintain herself with a sum of Rs. 10,000/- per month. It is the obligation of both the parents to maintain their child to whom they have soon the light of this earth. For the child, the trial court directed the petitioner to pay Rs. 2,000/- per month.

4. In my considered view, the amount of



maintenance is not at all excessive, accordingly, I do not find any merit in the instant Revision, therefore, this application is dismissed.

(Bibek Chaudhuri, J)

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