

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.911 of 2019

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

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KUMAR VIKRAM Son of Sri Shiv Kumar Gupta Resident of Mahboob
Khan Tola, Sharda Nagar, P.S.- K. Hat Sahayak, Distt - Purnia.

... .. Petitioner/s

Versus

SNEHA KIRAN Wife of Mr. Kumar Vikram, D/o Sri Vinod Kumar Mahto
Resident of C/o - Ajay Kumar Mandal, (A.K. Trader, Cement Seller), Taxi
Stand, P.S.- K. Hat, Distt - Purnia.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Devesh Kumar Pratap, Adv.
For the State	:	Mr. Asha Kumari, APP
For O.P. No.2.	:	Ms. Smiti Bharti, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 16-01-2024 This is an application under Section 397(1) read with

Section 401 of the I.P.C., assailing an order of maintenance,

passed by the learned Principal Judge, Family Court, Purnea in

Maintenance Case No. 26 of 2016 on 2nd May, 2019.

2. The learned trial Judge directed the petitioner to
pay maintenance @ Rs. 45,000/- per month to the opposite party
no.2/wife holding inter alia that in the month of July, 2018 his
gross salary was Rs. 1,81,999.46. He works as Deputy General
Manager (Electric Maintenance) in N.T.P.C. Limited.

3. Learned Advocate for the petitioner submits that
though the petitioner's/husband's gross salary was Rs.
1,81,999.46/-, his net salary was Rs. 86,095.00/- and if from the



net salary he requires to pay maintenance allowance @ Rs. 45,000/- per month, it will cause tremendous hardship because he also maintains his parents.

4. It is submitted by the learned Advocate for the opposite party no. 2, on the other hand, that the mother of the petitioner was a School Teacher and on her retirement she earns pension for her maintenance. The father of the petitioner is an Advocate. He has independent earning.

5. Be that as it may, it is no longer res integra that amount of maintenance is to be fixed considering the status of the parties, social background and commensurating to such status the need of the wife/opposite party no. 2.

6. The petitioner was Deputy General Manager in the N.T.P.C. Limited in the month of July, 2018 as on these days his pay surely has enhanced after promulgation of 7th Pay Commission and escalation of Dearness Allowance.

7. It is also submitted by the learned Advocate for the opposite party no. 2 that the petitioner has been transferred to Bangladesh and he is taking Rs. 25,000/- more as his transfer posting is outside the Country.

8. Considering the status of the parties, I do not think that the amount of maintenance that has been passed by the



learned trial Judge is excessive or that the petitioner will not be able to pay the said amount.

9. For the reasons stated above, the instant revision is dismissed on contest.

(Bibek Chaudhuri, J)

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