

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.960 of 2019

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

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Manoj Kumar @ Manoj Kumar Mandal Son of Narayan Mandal Resident of
Mohalla - Naya Tola, Naugachhiya, P.O. and P.S. - Naugachhiya, District-
Bhagalpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Tinku Devi D/O -Indradev Prasad Singh Resident of Village - Tikapatti, P.S.-
Tikapatti, District- Purnea

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Karn
For the Respondent/s : Mr.Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

- 2 16-01-2024 An order of maintenance under Section 125 of the
- Cr.P.C. in Maintenance Case No. 278 of 2015 passed by the
- learned Principal Judge, Family Court at Purnea on 30th April,
- 2019 is under challenge in the instant Revision at the instance of
- the opposite party/husband (hereinafter described as the
- petitioner). It is not in dispute that the marriage of the opposite
- party no.2 was solemnized with the petitioner on 11th May,
1998. However, from the very beginning, marital relationship
- between the petitioner and the opposite party was not happy.
- She was compelled to leave her matrimonial home only after
- four days of marriage. Subsequently, on the request of her
- husband, she came back to her matrimonial home. It is alleged
- by the petitioner that in the matrimonial home, she was treated
- with cruelty both physically and mentally by the opposite party
- and other matrimonial relations which forced her to come back



to her paternal home a village panchayati was held sometimes in the year 2004 were the local respectable parties intervened to settle the dispute between the petitioner and the opposite party on the basis of such settlement in village panchayati, the opposite party/wife returned her matrimonial home in the year 2005. However, she received the same faith of illegal demand of dowry and torture which prompted her to live her matrimonial home and she took shelter at her paternal home. Subsequently, the instant application for maintenance has been filed by the opposite party no.2. In her petition, she stated that the opposite party has 7 bighas of agricultural land and 8 kathas of residential land and he earns Rs. 2 lakh per annum from his agriculture. He is also a contractual teacher of a higher secondary school and earns Rs. 15,000/- per month. Learned Judge directed the petitioner to pay maintenance at the rate of Rs. 6,000/- per month within 10th of each succeeding month.

2. It is submitted on behalf of the petitioner that the petitioner works as a temporary teacher and earns Rs. 15,000/- per month at a place far away from his paternal home with the said meager amount, he requires to stay in a rented accommodation and take his food in the hotel. Moreover, his mother is old ailing lady. For her medical income, the petitioner



requires to spend considerable money, therefore, it is not financially possible for the petitioner to pay maintenance at the rate of Rs. 6,000/- per month.

3. I have heard the learned Advocate for the petitioner, it is not denied that the petitioner is a contractual teacher in a higher secondary school. In the year 2018, he used to earn Rs. 15,000/- per month. The petitioner has not come forward with any document to show his present income. It is presumed that during the period of five years, his salary has been increased. Though, the petitioner denied that he as 8 bighas of agricultural land, he admitted that the mother of the petitioner has 2 bighas of agricultural land.

4. Considering the present day market price of the essential articles and minimum need of a women, a sum of Rs. 6,000/- per month for the wife of a school teacher, is not considered to be excessive or inflated. Considering such aspect of the matter, I am not inclined to interfere with the impugned order and accordingly, the instant Revision is dismissed.

(Bibek Chaudhuri, J)

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