

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1022 of 2019

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

Chandan Kumar Sahni, Son Of Late Moti Lal Sahni, Resident Of Village - Andarkila, P.S.- Hajipur Town, District- Vaishali, At Present Deputy Chief Mechanical Engineer, Eastern Railway, D.L.C.F., (Railway Work Shop), Dhankuni, District- Hoogly (West Bengal)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kalyani Kumari Sahni Wife of Chandan Kumar Sahni, Resident of Village - Andarkila, P.S.- Hajipur Town, District- Vaishali, At present D/O- Devendra Sahni, R/O- Ram Nagar Colony, Subash Path, P.S.- Main Road Chas, District- Bokaro (Steel City), Jharkhand.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mr. Anil Kumar, Advocate
		Mr. Kaushal Kishor, Advocate
		Ms. Jyoti Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

8 26-02-2024 No one appears on behalf of the petitioner.

2. The learned advocate for the Opposite Party is present. No accommodation is sought for on behalf of the petitioner.

3. The petitioner of the instant revision is the husband of the Opposite Party No. 2.

4. Upon an application filed under Section 125 of the CrPC by the Opposite Party No. 2 the trial court being the learned Principal Judge Family Court, Vaishali at Hajipur, directed the petitioner to pay maintenance at the rate of Rs. 8000



per month. Against the said order the husband/petitioner has filed the instant revision.

5. On perusal of the revisional application, I find that the relation between the parties is not disputed. The Opposite Party No. 02 is the legally wedded wife of the petitioner. It has also been found that the Opposite Party No. 02 has been residing separately with her mother having no income. Her father also died during the pendency of the instant proceeding. Thus, she has no means to maintain herself. Considering such aspect of the matter, the trial court granted maintenance allowance at the rate of Rs. 8000/- per month in favor of the Opposite Party No. 02.

6. It is submitted by the learned advocate for the Opposite Party No. 02 that the petitioner is a Grade I technician in Indian Railways. It is submitted by the learned advocate for the Opposite Party No. 02 that at the time of disposal of Maintenance Case Number 130 of 2016, the monthly salary of the petitioner was Rs. 25796. Presently, he is getting Rs. 49366/- per month. Therefore, the maintenance allowance should be enhanced in the instant revision.

7. The petitioner has filed the instant revision challenging the legality, validity and propriety of the order



passed in Maintenance Case No. 130 of 2016 on 13th December 2018. The scope of this revisional application is limited to consider as to whether the impugned order suffers from any legal or material irregularity. The revisional court cannot enhance the maintenance allowance on the basis of present salary of the Opposite Party. It is open for the petitioner to file appropriate application under Section 127 of the CrPC for enhancement of the amount.

8. For the reasons stated above, I do not find any ground to enhance the maintenance allowance granted by the trial court in this proceeding. However, there is no illegality or irregularity in the impugned order passed in Maintenance Case No. 130 of 2016 dated 13.12.2018.

9. Accordingly, the instant revision is dismissed on merit.

(Bibek Chaudhuri, J)

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