

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1084 of 2019

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

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PRATIK PRABHAKAR Son of Vishwambhar Prasad Resident of Mohalla -
Veer Kunwar Singh Colony Kashi Bazar, P.S.- Bhagwan Bazar, Distt - Chapra
(Saran)

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Prabha Devi Wife of Pratik Prabhakar, D/o Shambhu Nath Singh Resident of
218A. 9 to 9, Super Market, 2nd Floor, S.K. Puri, Distt - Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Dr. Alok Kumar Sinha
For the Respondent/s	:	Mr.Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 06-02-2024 In a proceeding under Section 12 of the D.V. Act,

the petitioner was directed to pay Rs. 7,000/- per month as

monetary relief for the son of the parties who has been staying

that his mother, opposite party no.2.

2. It is submitted by the learned Advocate for the
petitioner that during hearing of the original application under
Section 12 of the D.V. Act, being Enquiry Case No. 397 of
2018, the opposite party no.2 filed I.T. returns of the petitioner.
At the relevant point of time, the annual income as per I.T.
returns was 1 lakh. It is also submitted by the learned Advocate
for the petitioner that during current year, the petitioner
submitted I.T. return for Rs. 1 lakh 40 thousand per annum. It is



also submitted by the learned Advocate for the petitioner that the petitioner was directed by this court to pay Rs. 3,500/- per month while granting bail in connection with a case under Section 498A of the Indian Penal Code in favour of the opposite party no.1. Thirdly, it is also submitted by the learned Advocate for the petitioner that the opposite party no.2 that she is highly educated having M.Com and B.E.d degree, she is a teacher in reputed school and she also runs a coaching centre and her income is more than the income of her husband, therefore, the order of monetary relief for the son of the parties may be revisited.

3. Learned Advocate for the opposite party no.2, on the other hand submits that I.T. return does not reflect actual income of the petitioner. The father of the petitioner has two houses in the city of Chapra, one house at Varanasi, a medicine shop and an oil mill, by which, he earns huge amount of money. Being a present men when the parties are disputed on the income the petitioner, the parties are directed to file affidavits of assets and liabilities as per the decision of the Hon'ble Supreme Court in the case of *Rajnesh vs. Neha (2021) 2 SCC 324* in the trial court. The trial court shall consider the amount of monetary relief on the basis of such affidavits of assets and liabilities



which will be submitted by both the parties.

4. In view of the above order, the impugned judgment passed in Cr. Appeal No. 10 of 2019 and Enquiry Case No. 397 of 2018 are set aside.

5. The parties are directed to file affidavits of assets and liabilities within three months from the date of this order.

6. The learned trial Judge shall consider the income of the parties and fix the maintenance allowance to be paid to the son of the opposite party no.2 and the petitioner within one month thereafter.

7. In the meantime, the petitioner shall go on paying a sum of Rs. 4,000/- per month as a condition preceded till the disposal of the application.

8. With the above order, the instant Revision is disposed of.

(Bibek Chaudhuri, J)

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