

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No 728 of 2022

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

=====

Ranjana Devi @ Ranjana Kumari D/o Gopal Prasad Burnwal R/o Near
Marwari Dharmashala, Pipradih, P.S.- Jhajha, Distt- Jamui.

... .. Petitioner/s

Versus

1. Rakesh Chandra S/o Late Harish Chandra R/o Village- Madhopur Munger,
P.S.- Kotwali, Distt- Munger.
2. The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr Prabhat Ranjan Singh, Advocate
For the Respondent/s : Mr.A.G.

=====

CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL JUDGMENT

Date : 18-07-2024

This revision petition has been preferred by the petitioner (wife) of Opposite Party No 1 being aggrieved with the judgment dated 07th July, 2022 passed by learned Principal Judge, Family Court, Jamui in Miscellaneous Case No 17 of 2016 whereby the learned Principal Judge, Family Court rejected the application of the petitioner (wife) submitted under Section 127 of Criminal Procedure Code for enhancement of the maintenance amount from Rs 2,500/- to Rs 10,000/-, as demanded by the petitioner (wife).

2 Heard both the counsel and perused the impugned order as well as other documents annexed with the record.



3 Initially, Maintenance Case No 57 (M) of 2008 has been filed by the petitioner-wife on 08.10.2005 under Section 125 of Cr P C which was decided on 27.07.2010 and Opposite Party No 1 was directed to pay monthly maintenance of Rs 2,500/- to the petitioner-wife. After six years of passing of that order, the present application under Section 127 of Cr P C has been filed by the petitioner-wife on the ground of changed circumstances which has been rejected by the learned Principal Judge, Family Court on the ground that petitioner was unable to establish the fact that economic condition of Opposite Party No 1 has improved.

4 The order impugned clearly shows that Opposite Party No 1 (husband) is unable to establish the fact that he is suffering from tuberculosis, backbone and other medical illness, as pleaded by him in his reply to show cause. The earlier order was for grant of maintenance of Rs 2,500/- in the year, 2010 and subsequently petition for enhancement has been filed in the year, 2016, i e, after six years. Therefore, a judicial notice can be drawn that after a lapse of six years, the earning capacity of Opposite Party No 1-husband has also increased. Further, the price index has also gone higher as compared to earlier point of time. Therefore, looking to the above changed circumstances, i e, enhancement of the earning capacity of Opposite Party No 1-husband and further looking to



the higher current price index, the amount of maintenance, i e, Rs 2,500/- appears to be lower side and it requires appropriate enhancement.

5 Thus, this revision petition is disposed of by enhancing the monthly maintenance amount of Rs 2,500/- to Rs 4,000/-.

6 Opposite Party No 1-husband is now directed to pay a monthly maintenance amount of Rs 4,000/- to the petitioner-wife from today.

(Arvind Singh Chandel, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.07.2024
Transmission Date	22.07.2024

