

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1136 of 2019

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

Mani Shankar Singh Son of Late Ram Ayodhya Singh Resident of Village-
Bhalni, P.S.- Narayanpur, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neetu Singh @ Neetu Ranjan Wife of Mani Shankar Singh, Daughter of
Late Brij Bihari Singh Village- Garhani, P.S.- Charpokhri, District- Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Chandra, Advocate Mr. Vatsal Verma, Advocate Mr. Ravi Kumar, Advocate
For the Respondent/s	:	Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 27-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The instant revision is directed against an order dated 17.05.2019 passed in Maintenance Case No.69 of 2013 registered upon an application under Section 125 of the Cr.P.C. passed by the learned Principal Judge, Family Court, Bhojpur directing the petitioner to pay maintenance at the rate of Rs.7,000/- per month to the opposite party no.2.

3. Suffice it to say that the opposite party no.2 is the legally wedded wife of the petitioner and her marriage was solemnized with the petitioner on 16.05.2003. She gave birth to a boy child on 22.01.2004. The said boy child is residing and



being maintained by the petitioner. The opposite party no.2 has been residing separately from her husband.

4. The learned advocate for the petitioner did not oppose the issue to the effect that the petitioner is under obligation to maintain his wife. He only agitated the issue of quantum of income of the petitioner and the amount of maintenance granted to the opposite party no.2.

5. It is not in dispute that the present petitioner is a retired Military personnel. The said fact is recorded by the learned Trial Judge in the last line of Para-12 of the impugned judgment. The learned Trial Judge, it is submitted by the learned advocate for the petitioner misdirected himself to hold that the petitioner is getting salary in the pay band of Rs.5200-29200 with Grade Pay of Rs.2800/-. As such he held that the basic pay of the petitioner is Rs.11,140/- per month. However, the petitioner has annexed his pension paper in Annexure-4 of the instant petition. The said document was marked in the Trial Court as Exhibit-C. While construing Exhibit-C, the Trial Court misdirected himself to see the first column of the Pension Payment Order (PPO) issued by the office of the Principal C.D.A. (Pension), Allahabad. Practically pay band of the petitioner was recorded in the first column of the PPO at the



time of his retirement. On the basis of said PPO his pension was fixed at Rs.8120 + 4060/- amounting to Rs.12,180/- per month. When the pension of the petitioner is found to be Rs.12180/-, the opposite party no.2 is entitled at best to the 1/3rd of the pension, meaning thereby she is entitled to get maintenance at the rate of Rs.4000/- per month.

6. Therefore, the amount of maintenance allowance to be paid by the petitioner in favour of the opposite party no.2 is modified and the order in respect of the amount of maintenance passed by the learned Principal Judge, Family Court, Bhojpur in Maintenance Case No. 69 of 2013 is set aside.

7. The petitioner is directed to pay maintenance allowance at the rate of Rs.4000/- per month to the opposite party no.2. All other directions and conditions maintained in the impugned order shall remain enforce.

8. Accordingly, the instant revision is partly allowed.

(Bibek Chaudhuri, J)

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