

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1139 of 2019

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

SAKET KUMAR @ SAKET KUMAR SINGH Son of Sri Basant Kumar Singh @ Basant Singh Resident of Village - Jasauli Pakauli, P.S.- Pachrukhi, District - Siwan.

... .. Petitioner/s

Versus

BHAWNA SINGH Wife of Saket Kumar @ Saket Kumar Singh Duaghter of Sri Ramesh Prasad Singh, Resident of Village - Ageya, P.S.- Goreakothi, District - Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Md.Imteyaz Ahmad, APP
For the Respondent/s	:	Mr. Ranjan Kumar Dubey, Advocate Mr. Kumar Gaurav, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 01-02-2024 In Maintenance Case No. 101 of 2016, the learned Principal Judge, Family Court at Siwan by his judgment dated 26th July, 2019 directed the petitioner to pay maintenance allowance at the rate of Rs. 10,000/- per month. It is found on perusal of the materials on record that the petitioner is unemployed. Neither of the parties was able to file any document in respect of the income of the petitioner.

2. Under such circumstances, in view of the decision by the Hon'ble Supreme Court in the case of *Rajnesh vs. Neha* reported in (2021) 2 SCC 324, the petitioner and the opposite party are directed to file affidavits of assets and liabilities in the court below and the learned court below shall



ascertain the income of the opposite party on the basis of the affidavits of assets and liabilities and then shall pass the amount of maintenance allowance in favour of the petitioner.

3. It is made clear that while passing this order, this court has gone through the merit of the case. Parties are at liberty to submit on factual aspect of the matter before the trial court. The impugned order is therefore, set aside, the trial court is directed to write down a fresh judgment on the basis of affidavits of assets to be filed by both the parties and argument that will be advanced by the learned counsels for the parties. Entire action shall be concluded within three months from the date of this order.

4. With the above order, the instant Revision is allowed.

5. In the meantime, the petitioner is directed to pay maintenance at the rate of Rs. 4,000/- per month to the opposite party as an interim measure.

(Bibek Chaudhuri, J)

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