

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL REVISION No.1238 of 2019

In

Miscellaneous Appeal No.177 of 2019

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

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BIRENDRA KUMAR CHOUDHARY Son of Sri Ram Das Nishad Resident
of Village- Hussainabad, P.S.- Hussainabad, District- Palamu (Jharkhand)

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sulekha Kumari D/o Ramjatan Prasad Resident of Mallahchak, P.S.-
Jehanabad, Distt - Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Respondent/s : Mr.Arun Kumar Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

9 30-04-2024 Heard learned counsel for the petitioner Mr. Anshul

assisted by Shri Anuj Kumar, learned APP for the State Shri

Jharkhandi Upadhyay and Mr. Dilip Kumar Rai for the O.P. No.

02.

2. This revision application has been filed under

Section 19(4) of the Family Courts Act, 1984 for setting aside

the order dated 18.01.2019 passed by the Principal Judge,

Family Court, Jehanabad passed in Maintenance Case No. 44 of

2014 by which the Principal Judge has directed the petitioner to

pay Rs. 9000/- every month to the opposite party.

3. A maintenance amount of Rs. 9000/- is under

challenge by the petitioner by saying that the same is excessive

and it is submitted by the petitioner that the girl is working.

4. Learned counsel for the O.P. No. 2 submits that the

girl is not working and the petitioner was getting a salary of

around Rs. 38,000/- when the maintenance was fixed.



5. In the opinion of this Court, the wife is entitled to a minimum maintenance of 1/3rd of the salary but in the present case the amount is less than 1/3rd salary of the petitioner.

6. Considering the aforesaid, this Court is not inclined to interfere in the impugned order.

7. Accordingly, this application is dismissed.

8. The opposite party is given liberty to file an application in the Court below for payment of the arrears of the maintenance amount and also for the payment of current maintenance amount. If such an application is filed by the opposite party no. 2 then appropriate orders shall be passed by the Court below and for the recovery of the arrears of the maintenance amount the Court below will direct the same to be deducted from the salary of the petitioner in installments and the regular maintenance shall also be deducted from the salary of the petitioner.

9. The entire exercise must be done within one month from the date of receipt/communication of a copy of this order to the Court below.

(Sandeep Kumar, J)

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