

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1200 of 2019

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

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1. MANJU BHARTI Wife of Shivchandra Choudhary Resident of Mohall - Ektanagar road no. - 2, Old Motihari road Bariya, P.S.- Ahiyapur, Distt - Muzffarpur.
 2. Kumari Ananya @ Khushabu Kumari @ Ananya Kumari @ Khusabu D/o Shivchandra Khusabu Resident of Mohall - Ektanagar road no. - 2, Old Motihari road Bariya, P.S.- Ahiyapur, Distt - Muzffarpur.

... .. Petitioner/s

Versus

Shivchandra Choudhary Son of late Ram Lakhan Choudhary Resident of village - Rajawa, P.S.- Bangra, Distt - Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bela Singh, Advocate
For the Respondent/s : Mr. Raju Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

7 12-03-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. An application under Section 125 of the Cr.P.C., registered as Maintenance Case No.144 of 2013 was dismissed on contest by the learned Principal Judge, Family Court, Muzaffarpur vide order dated 22.06.2019. The petitioners being the wife and unmarried daughter have challenged the aforesaid order in the instant revision.

3. It is not in dispute that the petitioner no.1 is the legally married wife of the opposite party and petitioner no.2 is the unmarried daughter of the parties. The opposite party was in



the police force and he retired from service on superannuation. In his counter affidavit he has stated that he gets pension at the rate of Rs.28,000/- per month. The petitioner no.1 was a retired Teacher and on the date of disposal of the Maintenance Case No.144 of 2013 she was in service. The Trial Court refused to grant any maintenance on the ground that as a retired Inspector of Police the opposite party/husband used to get Rs.28,000/- per month towards his pension and the petitioner no.1 used to get Rs.74,000/-.

4. It is submitted by the learned advocate for the opposite party that even assuming that the petitioner no.1 has retired in the meantime, her pension amount must be not less than Rs.35,000/-. The opposite party earns less amount than the petitioner no.1 from his pension, therefore, she is not entitled to get any maintenance and there is no reason to interfere with the order passed by the learned Principal Judge, Family Court, Muzaffarpur in Maintenance Case No.144 of 2013.

5. Learned advocate for the petitioner, on the other hand, submits that the petitioner no.2 is an unmarried daughter of the parties. She has attained marriageable age for her marriage and maintenance till the date of her marriage. The opposite party being the father has a legal and moral duty to



maintain her.

6. Having heard the learned counsel for the parties, this Court shares similar view with the learned Principal Judge, Family Court, Muzaffarpur that the petitioner no.1 is not entitled to get any maintenance from the opposite party because of the fact that she has her own income to maintain herself. However, it is the duty of both the petitioner no.1 and the opposite party to maintain their unmarried daughter who has attained marriageable age. In counter affidavit, the opposite party states that he is looking after a suitable match for the petitioner no.2. However, considering the legal and moral duty of a father and his onerous responsibility, this Court is of the view that a daughter of a retired headmaster of a school and Police Inspector is required to be maintained according to her status in the society.

7. For the reasons stated above, the opposite party is directed to pay Rs.10,000/- to the petitioner no.2 for her maintenance. Another Rs.10,000/- shall be borne by the petitioner no.1 for the maintenance of petitioner no.2.

8. With the above modification, the instant revision is disposed of in favour of the petitioner no.2.

9. The opposite party is directed to pay the said



amount from the date of the order passed by the learned
Principal Judge, Family Court, Muzaffarpur i.e. from the month
of June, 2019 along with the current maintenance allowance
within 10th of each succeeding month.

(Bibek Chaudhuri, J)

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