

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.726 of 2023**

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

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GAURI SHANKAR PRASAD SINGH SON OF LATE RAJENDRA PRASAD SINGH RESIDENT OF VILLAGE- APSARH, PS- WARSALIGANJ, DISTT- NAWADA, PRESENT RESIDENT OF VILLAGE- HOSUE NO. 150, NEW PATNA COLONY, HASANPURA ROAD, WEST OF BEUR HEALTH INSTITUTE PO- AND PS- BEUR, DISTT- PATNA

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. SUSHMA KUMARI WIFE OF GAURI SHANKAR PRASAD SINGH RESIDENT OF VILLAGE- APSARH, PS- WARSALIGANJ, DISTT- NAWADA, PRESENT RESIDENT OF VILLAGE- HOSUE NO. 150, NEW PATNA COLONY, HASANPURA ROAD, WEST OF BEUR HEALTH INSTITUTE PO- AND PS- BEUR, DISTT- PATNA
3. MASTER ANKIT SON OF GAURI SHANKAR PRASAD SINGH UNDER GUARDIANSHIP OF MOTHER RESIDENT OF VILLAGE- APSARH, PS- WARSALIGANJ, DISTT- NAWADA, PRESENT RESIDENT OF VILLAGE- HOSUE NO. 150, NEW PATNA COLONY, HASANPURA ROAD, WEST OF BEUR HEALTH INSTITUTE PO- AND PS- BEUR, DISTT- PATNA

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jagjit Roshan
For the Respondent/s: Mr.Parmanand Kumar

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**CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER**

3 04-07-2024

I.A. No. 01 of 2024

The present interlocutory application has been filed for condonation of delay of three days occurred in filing the revision application preferred by the petitioner.

2. For the reasons mentioned in the application, this interlocutory application is allowed and the delay of three days in filing the revision application is, hereby, condoned.

3. Accordingly, the interlocutory application stands



disposed of.

Cr. Revision No. 726 of 2023

The present revision application has been filed by the petitioner, who happens to be the husband of respondent No.2 and father of respondent No.3, being aggrieved with the order dated 05.07.2023 passed by the learned Additional Principal Judge, Family Court, Patna in Maintenance Case No. 230(M) of 2009, whereby the Family Court directed the petitioner to pay monthly maintenance of Rs. 9,500/- to respondent No.2 (wife) and Rs. 8,000/-to respondent No.3 (Son).

5. Heard learned counsel for the petitioner and perused the impugned order and also gone through the documents annexed with the petition.

6. Undisputedly, the respondent Nos.2 and 3 are the legally wedded wife and son of the petitioner and they are residing separately. From perusal of the impugned order, it appears that after filing of the written statement, the petitioner had not appeared before the Family Court nor he cross-examined the witnesses of the respondent-wife and further, he also unable to produce any evidence in support of his case.

7. Considering the unrebutted statements of both the respondents, the learned Family, Court rightly arrived at a conclusion that the respondent-wife has sufficient cause to reside separately from her husband. The Family Court rightly arrived at



a conclusion that both the respondents are unable to maintain themselves. It is also not in dispute on the point that the petitioner is a retired Executive Engineer of Bihar State Electricity Board, Bihar and getting family pension. On perusal of exhibit- P-6 i.e. Pay details for the month of April, 2022 to March 2023 of the petitioner, more particularly salary slip for the month of February, 2023, it is clearly evident that the petitioner is getting net pension of Rs. 66,413/- per month.

8. Considering the aforesaid financial condition and income of the petitioner, the maintenance amount of Rs. 9,500/- to the respondent No.2 and Rs. 8,000/- to the respondent No.3 awarded by the learned Family Court appears to be just and proper and based on the material available on record. Accordingly, this Court does not find any illegality and perversity in the order impugned passed by the learned Additional Principal Judge, Family Court, Patna. Hence, the present revision petition is liable to be dismissed and is, accordingly, dismissed, being devoid of merit, at the admission stage itself.

(Arvind Singh Chandel , J)

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