

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1310 of 2019**

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

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SK. ABDUL GAFFAR @ MD. GAFFAR Son of Sk. Usman @ Usman Resident
of Village-Kajikairi, Police Station-Bounsai, District-Banka.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Bibi Kursida Khatoon @ Bibi Khurshida Khatoon Wife of Sk. Abdul Gaffar @ Md. Gaffar Daughter of Sk. Saiyayum Resident of Village-Lilabaran, Police Station-Barahat, District-Banka.
3. Md. Salman Son of Sk. Abdul Gaffar @ Md. Gaffar under guardianship of his mother namely Bibi Kursida Khatoon @ Bibi Khurshida Khatoon, Resident of Village-Lilabaran, P.S.-Barahat, District-Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Respondent/s: Mr. Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

5 08-07-2024 Heard on admission.

2.The present revision application has been filed by the petitioner-husband being aggrieved with the order dated 10.05.2019 passed by the learned Principal Judge, Family Court, Banka in Maintenance Case No. 98 of 2018, whereby the Family Court directed the petitioner to pay monthly maintenance of Rs. 4,000/- to the respondent No.2 and her daughter from the date of order.

3. Heard learned counsel for the petitioner and perused the impugned order and also gone through the



documents annexed with the petition.

4. This petition has been preferred by the petitioner only on the ground that while passing the impugned order, the learned Family Court not considered the fact that respondent No.2 herself left the house of the petitioner out of her own will and the learned Family also arrived at a conclusion that the petitioner is earning Rs. 18,000-20,000/- per month without appreciating the material fact.

5. From perusal of the impugned order, it appears that the petitioner himself admitted the fact that he performed his second marriage and residing with his second wife. He further admitted the fact that on the basis of complaint made by the respondent No.2, a criminal case registered under Section 498(A) of the Indian Penal Code is also pending against the petitioner. Considering the above admission made by the petitioner himself as well as other evidence available on record, the learned Family Court rightly arrived at a conclusion that the respondent No.2 is residing separately from the petitioner with a sufficient cause.

6. With regard to the monthly income of the



petitioner is concerned, the mother of the petitioner herself admitted the fact that the petitioner works as a *Rajmistri* at Raipur and getting a daily wages of Rs. 500-600/-. Thus, on the aforesaid admission made by the mother of the petitioner herself, it is established that the monthly income of the petitioner is about Rs. 10,000- Rs.12,000/- per month.

7. Considering the above, monthly maintenance of Rs. 4,000/- granted to the respondent No.2 and her children by the Family Court, appears to be just and proper.

8. In the result, this Court does not find any illegality and perversity in the order impugned passed by the learned Principal Judge, Family Court, Banka. Hence, the present revision petition is dismissed, being devoid of merit, at the admission stage itself.

(Arvind Singh Chandel , J)

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