

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1280 of 2019

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

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Neeraj Kumar, S/o Late Kedar Prasad Singh Resident of Village- Mai, P.O.-
Mai, P.S.- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ranjana Rani, W/o Neeraj Kumar, D/o Rabindra Prasad At present resident
of Mohalla- Bari Pahari east of Ravi Shankar Cod Storage, P.S.- Laheri
Town, Bihar Sharif, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Sinha, Advocate

For the Respondent/s : Mr. Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI

ORAL ORDER

2 12-01-2024 1. Heard learned Advocate for the petitioner and
learned APP for the State.

2. Propriety of an order, dated 19th of September,
2019, in Maintenance Case No. 48(M) of 2017, passed by the
Principal Judge, Family Court at Nalanda, is assailed in the
instant revision.

3. By passing the order impugned, the learned Judge



directed the petitioner to pay Rs. 8,000/- per month towards maintenance allowance to the Opposite Party No. 2. The said order is under challenge on the following grounds:-

(i) The petitioner is an employee of a Mumbai based private company, posted at Mysure and his gross salary is Rs. 34,726.32/- and his net salary is Rs. 31,410/-. Moreover, the petitioner obtained loan from ICICI bank and he has been paying EMI to repay the said loan at the rate of Rs. 10,432/-. Therefore, it will cause hardship for the petitioner to pay maintenance allowance at the rate of Rs. 8,000/- per month.

(ii) In Maintenance Case No. 48(M) of 2017, the Trial Court passed an order of interim maintenance at the rate of Rs. 5,000/- and the petitioner went on depositing the said allowance in the name of the Opposite Party No. 2 regularly, month by month. Therefore, the petitioner cannot be obligated to pay maintenance allowance from the date of filing of the application.

(iii) It will appear from the Facebook page of the Opposite Party No. 2 that she is a Teacher at a private school at Nalanda. She earns Rs. 10,000/- per month from her salary. The Trial Judge failed to consider all such aspects of the matter.

4. It is not in dispute that both the petitioner and the



Opposite Party No. 2 are educated young man and woman. They have their social status and standing in the society.

5. Considering the nature of education and the service rendered by both the petitioner and Opposite Party No.2, this Court is of the view that a sum of Rs. 10,000/-, which the Opposite Party No. 2 is reportedly getting from her salary as a Teacher of private school is not sufficient to maintain herself.

6. Considering the need of bare essentials of the Opposite Party No. 2, this Court is of the view that the amount of maintenance allowance which has been granted by the learned Trial Judge is not excessive and warrants any rectification. However, the impugned order is modified, directing the petitioner to pay maintenance allowance from the date of passing of the impugned order i.e., 19th of September, 2019.

7. The instant revision is accordingly disposed of.

(Bibek Chaudhuri, J)

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