

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1401 of 2019**

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

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RAM JEE SAH Son of Jafar Sah Resident of Village- Bara Pareuwa, P.S.-
Raxaul, District- East Champaran

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Runa Devi Wife of Ram Jee Sah, D/o Late Mahendra Sah At present
residing Sirishiya Mal, P.S.- Nakardai, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Respondent/s: Mr.Md. Matloob Rab

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL

ORAL ORDER

3 05-07-2024

I.A. No. 01 of 2019

The present interlocutory application has been
filed for condonation of delay of 280 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 280
days in filing the revision application is, hereby, condoned.

3. Accordingly, the interlocutory application stands
disposed of.

Cr. Revision No. 1401 of 2019

4. Heard on Admission.

5. The present revision application has been filed



by the petitioner, who happens to be the husband of respondent No.2, being aggrieved with the order dated 26.02.20219 passed by the learned Principal Judge, Family Court, East Champaran in Maintenance Case No. 189 of 2013, whereby the Family Court directed the petitioner to pay monthly maintenance of Rs. Rs. 12,000/-to respondent No.2 (wife).

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

7. Learned counsel for the petitioner submits that the petitioner is ready and willing to keep his wife and daughter with honour and dignity but the respondent No.2- wife is residing separately without any reasonable cause. It is further submitted that the petitioner is a poor person and working as private teacher and he earns Rs. 800/- per month from his profession but the above facts have not been considered by the learned Principal Judge, Family Court while allowing the maintenance application preferred by the respondent No.2 and has passed the impugned order in mechanical manner. Therefore, the same deserves to be quashed and set aside.



7. Undisputedly, the respondent Nos.2 is the legally wedded wife of the petitioner. From perusal of para-6 of the impugned order, it is evident that the petitioner has made allegation against the respondent-wife that she is living an adulterous life. However, the petitioner has not been able to establish this fact before the learned Family Court. Since the petitioner himself made an allegation on his wife that she was living an adulterous life, it is sufficient for her to reside separately from her husband.

8. In such view of the matter, the contention of the counsel for the petitioner that the respondent-wife is residing separately without any reasonable cause is not acceptable.

9. So far as the quantum of maintenance is concerned, indisputably, the petitioner is a teacher as stated by him before the learned Family Court and he used to teach the students of three family and earns Rs. 800/- per students meaning thereby he earns Rs. 2400/- per month only. However, in support of his contention, no evidence has been produced by the petitioner before the learned Family Court. Since the petitioner is a teacher, it appears that income flows by him is very low as because, nowadays, even an unskilled



labourer is able to earn Rs. 400/- per day and thereon Rs. 10,000/- to 12,000/- in a month.

10. Considering the above and the present price index, the maintenance amount of Rs. 3,000/- per month to the respondent-Wife and Rs. 1,000/- per month to son awarded by the learned Family Court appears to be just and proper.

11. Resultantly, this Court does not find any perversity or illegality in the order passed by the learned Principal Judge, Family Court, East Champarn (Motihari), therefore, the present revision petition is dismissed being devoid of merit.

(Arvind Singh Chandel , J)

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