

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1233 of 2018

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Manoj Kumar Singh S/o Ramanand Mahto, resident of Village- Samsa, P.S.-
Bakhri, District- Begusarai.

... .. Petitioner/s

Versus

Nibha Devi D/o Vishundeo Prasad Singh, Resident of Village- Alauli, P.S.-
Alauli, District- Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

- 2 22-01-2024 1. Quantum of maintenance allowance, granted by the

learned Principal Judge, Family Court, Khagaria, in

Maintenance Case No. 40 of 2010, on 14th of August, 2018, is

under challenge in the instant revision.
2. By passing the impugned order, the petitioner /

husband has been directed to pay maintenance allowance at the

rate of Rs. 5,000/- per month to the Opposite Party and Rs.

3,000/- per month to the minor child of the parties, total, be Rs.

8,000/- per month from the date of filing of the application.
3. It is submitted by the learned Advocate for the

petitioner that the Opposite Party in her application under

Section 125 Cr.P.C. as well as in course of evidence stated that

the petitioner has five (05) bighas of agricultural land and two



(02) bighas of land where he performs PC culture and from agriculture as well as PC culture, the petitioner earns Rs. 20,000/- per month.

4. On the other hand, the petitioner / husband claims that the wife earns Rs. 20,000/- per month by way of teaching.

5. It is important to note that neither of the parties have filed any document in respect of the income of their adversaries. The Trial Court, upon the statement of the witnesses on oath, passed the impugned order.

6. When there is no document in support of the evidence of the income of the parties, it is the statement on oath, which is required to be considered.

7. In the instant case, the learned Trial Judge held that the Opposite Party is the legally married wife of the petitioner. She has been residing alone elsewhere. She has no income of her own to maintain herself. The parties have a minor child to whom the petitioner is under obligation to maintain.

8. It is needless to say that the petitioner being the husband is under obligation to maintain his wife. When the petitioner failed to prove that the Opposite Party earns certain amount of money by way of teaching, the Trial Court rightly held that the Opposite Party has no means of income.



9. Now, comes to the question as to whether the Trial Court was justified in granting maintenance allowance at the rate of Rs. 5,000/- per month to Opposite Party and Rs. 3,000/- per month to their minor child.

10. It is an accepted principle that a person who has no source of income is also under legal and moral obligation to maintain his wife. An amount of Rs. 5,000/- per month in today's market price is not at all excessive and such amount is required for bare minimum of a lady. Similarly, a minor child requires Rs. 3,000/- per month for her maintenance, education and well being.

11. For the reasons stated above, I do not find any illegality in the impugned order and accordingly the instant revision is dismissed.

(Bibek Chaudhuri, J)

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