

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.18 of 2024

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

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Afsar Alam @ Aphasar Alam Son of Husain Miya Resident of village - Parsauni, P.O.- Dharmpur Sathi, Police Station - Sathi, District - West Champaran.

... .. Petitioner/s

Versus

Abrun Khatoon @ Abrun Nesha Wife of Afsar Alam Daughter of Naimuddin Mian, Resident of village - Parsauni, Police Station - Sathi, District - West Champaran, at present resident of village - Kehuniya Upadhyay Tola Ward No.- 15, Police Station - Shikarpur, P.O.- Kehuniya, Via. Lauriya, District - West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Adv.

For the Respondent/s : Mr. Ram Kishun Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

4 05-09-2024 This revision petition has been preferred by the petitioner being aggrieved with the order dated 11.10.2023 passed by the learned Principal Judge, Family Court, West Champaran, Bettiah in Maintenance Case No. 300 of 2015 whereby and whereunder, the learned Family Court allowed the application filed under Section 125 of Cr.P.C. by O.P.-wife and directed the petitioner to pay a monthly maintenance amount of Rs. 6,000/- to the O.P. - wife.

2. This revision petition has been preferred by the petitioner only on the quantum portion of the maintenance amount ordered by the Family Court. It is submitted by the learned counsel for the petitioner that the affidavit submitted by



the petitioner in light of **Rajnish-Versus-Neha (2021) Supreme Court Cases 324**, the monthly income of the petitioner was found to be Rs. 23,000/- and out of which the petitioner used to expend Rs. 20,000/- for maintaining himself as well as his family members but, the learned Family Court while granting the maintenance with regard to the O.P.-wife did not consider this fact. Therefore, it is submitted by the counsel that the amount of maintenance which has been fixed by the learned Family Court is in higher side.

3. Heard counsel for the petitioner as well as perused the impugned order and record of the Family Court.

4. Perusal of the impugned order as well the affidavit submitted by the petitioner before the Family Court clearly shows that while getting a monthly income of Rs. 23,000/- only his father was dependent upon him though, the petitioner in his affidavit stated that his expenses towards his family is about Rs. 20,000/- but, in this regard there is no any documentary evidence laid by the petitioner before the Family Court neither he has mentioned any detail in this regard in his affidavit. Therefore, the learned Family Court on the basis of the monthly income of the petitioner granted the monthly maintenance amount of Rs. 6,000/- in favour of the O.P.- wife. Therefore,



finding recorded by the Family Court is based upon evidence available on record which is neither perverse nor contrary to the record.

5. The order passed by the Family Court is a well reasoned order. I do not found any perversity or illegality in the order. Accordingly, this revision petition is liable to be and hereby dismissed having no merit at admission itself.

(Arvind Singh Chandel , J)

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