

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1524 of 2019

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

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1. Rashmi Bhola @ Rashmi Khanna, Wife of Shashi Bhola Residing at House No. 134 Punjabi Colony, Chitkohra, P.S.- Gardanibagh, District - Patna.
 2. Aman Bhola @ Amandeep Khanna, Son of Shashi Bhola Residing at House No. 134 Punjabi Colony, Chitkohra, P.S.- Gardanibagh, District - Patna.

... .. Petitioner/s

Versus

Shashi Bhola, Son of Late Om Prakash Bhola, Resident of Flat No. 1 Block B, Triveni Apartment 23 Ghoses Lane Belur Howrah, P.S.- Bali Kolkata Now shifted at 19/12 Charan Singh Colony, P.S.- Juhi Nagar, District - Kanpur (Uttar Pradesh)

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Dr. D.K. Sinha, Sr. Advocate Mr. Abhinay Raj, Advocate Mr. Alexander Ashok, Advocate
For the Respondent/s	:	Mr. Tilak Sao, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 02-02-2024 The petitioner of Maintenance Case No. 44(M) of 2002 has challenged the order of maintenance passed by the learned Principal Judge, Family Court at Patna on 24th of September, 2019, directing the Opposite Party to pay maintenance allowance at the rate of Rs. 5,000/- per month to the petitioner no.1/wife from the date of the order i.e., from 24th of September, 2019.

2. Learned Advocate for the petitioner and learned Advocate for the Opposite Party are present.

3. I have heard the learned Advocate for the petitioner.



4. It is found from the impugned order as well as the record that, except oral evidence, neither of the parties filed any document showing their respective income and liability. While the petitioner has claimed that the Opposite Party earns approximately Rs. 2 Lakhs, the Opposite Party has claimed that petitioner earns lucrative amount of money by running a beauty parlor.

5. On perusal of the impugned judgement, this Court finds that the Trial Court came to the conclusion on the quantum of maintenance allowance on the basis of the oral evidence on record.

6. In *Rajnish vs. Neha & Anr.*, reported in **2021 (2) SCC 324**, the Hon'ble Supreme has laid down a guideline for the Trial Court as to how the amount of maintenance/monetary relief shall be calculated when there is no admitted document with regard to the salary of the parties.

7. Relying on the said decision, I direct both the petitioner no.1/wife and the Opposite Party to file affidavit of assets and liabilities in the Trial Court within two (2) months from the date of communication of this order. On the basis of such affidavit, the Trial Court shall decide the monthly income of the parties and the quantum of maintenance, if any, payable to



the petitioner no.1/wife in the aforesaid maintenance case.

8. In view of the above decision, the impugned order is quashed and set aside.

9. The instant Revision is allowed.

10. The learned Trial Judge is directed to conclude the hearing of this case as per direction passed by this Court herein-above within four (4) months from the date of communication of this order.

(Bibek Chaudhuri, J)

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