

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1560 of 2019**

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

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MD. SALAUDDIN Son of Md. Qayum @ Kaiyum Ansari Resident of Village -
Nawadih, P.S.- Halsi, District- Lakhisarai

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Afsana Khatoon D/O- Md. Ainul Haque Resident of Village - Nawadih,
P.S.- Halsi, District- Lakhisarai, Presently residing at Village - Nawadah,
P.S.- Mahus, District- Sheikhpura

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Respondent/s: Mr.Awadhesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

3 10-07-2024 Heard on admission.

2. The present revision application has been preferred by the petitioner being aggrieved with the order dated 26.11.2019 passed by the learned Principal Judge, Family Court, Sheikhpura in Maintenance Case No. 01M of 2019, under Section 125 of the Code of Criminal Procedure, whereby the learned Family Court allowed the application of respondent No.2 and directed the petitioner to pay a monthly maintenance of Rs. 9,000/- to the respondent No.2 from the date of filing the application of maintenance.

3. At the outset, learned counsel for the petitioner



submits that he does not want to press this revision application as a whole but he confined his submission only to the extent of quantum part of the maintenance amount.

4. Learned counsel for the petitioner submits that without being any sufficient evidence available on record, the learned Family Court wrongly arrived at a conclusion that the monthly income of the petitioner herein is Rs.30,000/- per month and passed the order of maintenance of Rs. 9,000/- in favour of respondent No.2. He further submits that from the evidence available on record, it is established that the petitioner is a labourer and from his work, he earns Rs. 250/- as his daily wages. He also submits that as of now the petitioner is remarried with another lady and his second wife is living with him. The learned Family Court, while deciding the quantum of maintenance amount, also did not consider the aforesaid factual aspect, therefore, it is prayed by the counsel for the petitioner that the maintenance amount of Rs. 9,000/- per month granted by the Family Court may be reduced.

5. Learned A.P.P. appearing for the State vehemently opposed the argument advanced by learned counsel for the petitioner.



6. Heard both the sides and perused the impugned order and also gone through the documents annexed with the petition.

7. Undisputedly, the petitioner is remarried with another lady and presently he is residing with his second wife, meaning thereby, he has to maintain his both the wives from his income. Though the respondent No.2-wife before the Family Court deposed that the petitioner-husband having a grossery shop and also owned three bighas of agricultural land from which he is getting income of Rs. 3,00000/- per annum, in order to establish this fact the respondent No.2 did not produce any documentary evidence before the Family Court. From the statement of the petitioner-husband, it appears that he is a labourer only and from its admission itself, it also established that he owns some agricultural land.

8. Considering the above income of the petitioner-husband coupled with the fact that he has liability to maintain his two wives i.e. respondent No.2 and second wife, the maintenance amount of Rs. 9,000/- per month granted to the respondent No.2 only appears to be of some higher side.



9. Looking to the income of the petitioner and the present price index and also taking in to account of the fact that the petitioner has other liability, this Court deems it proper and appropriate to direct the petitioner to pay Rs. 7,000/- per month to the respondent No.2- first wife instead of Rs. 9,000/- per month.

10. Accordingly, this revision application is partly allowed and consequently, the maintenance amount of Rs. 9,000/- granted by the Family Court is reduced to Rs. 7,000/- per month to be paid to the respondent No.2 from the date of this order.

11. With the aforesaid observation and direction, this revision application stands disposed of.

(Arvind Singh Chandel , J)

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