

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.223 of 2025**

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

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Sona Yadav @ Sona Singh, Son of Havalder Yadav Resident of BIGV Yabau
Kendra, P.S.- Simri, Distt.- Buxar

... .. Petitioner/s

Versus

Kanti Devi, wife of sona Yadav @ Sona Singh, D/O- Manan Singh Resident
of Village- Kazipur, P.S.- Simri, Distt.- Buxar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ravi Shankar Pathak, Advocate
For the Respondent/s : Mr.Bindeswari Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER**

4 30-07-2025 The instant revision directed against an order of interim maintenance passed in favour of the opposite party against the petitioner in Maintenance Case No. 73 of 2022 vide an order dated 8th of January, 2025 passed by learned Principal Judge, Family Court, Buxar directing the petitioner to pay maintenance at the rate of Rs. 12,000/- per month to his wife and Rs. 4,000/- per month to three minor children of the parties, total being Rs. 24,000/- per month.

2. It is contended on behalf of the petitioner that the amount of interim maintenance passed by the Trial Court is highly inflated on the ground that the petitioner is a Constable in S.S.B. and earns Rs. 57,000/- per month.

3. Secondly, it is absolutely false claimed by the



opposite party / wife that the petitioner earns Rs. 2 Lakh per month from agriculture. The petitioner has only 4 kathas of land.

4. Thirdly, the petitioner has old aged parents, he requires to maintain them. Therefore, it is not possible for him financially to pay Rs. 24,000/- out of his monthly income of Rs. 57,000/-. The amount of Rs. 24,000/- comes down to almost 45 per cent of his monthly income, while the consistent view of the Supreme Court is that 25 per cent of the monthly income is payable to the wife towards his maintenance.

5. It is further submitted by the learned Advocate for the petitioner that the petitioner has filed two cases, one for guardianship of the minor children of the parties and the second one for divorce. Both the cases are pending before the competent Court for disposal.

6. It is also submitted by the learned Advocate for the petitioner that the opposite party filed a criminal case against the petitioner in which the petitioner was granted bail in Cr. Misc No. 46592 of 2022 on 5th of July, 2023 directing him to pay Rs. 10,000/- per month to the opposite party as maintenance in the account furnished by the informant. It was also directed that the said payment will be subject to any order passed in the



maintenance case for final settlement. However, while passing the order in the maintenance case for interim maintenance, the Trial Court did not make any adjustment of the said sum of Rs. 10,000/-.

7. The learned Advocate for the opposite party, on the other hand, submits the pay-slip of the petitioner on perusal of which I find that the net pay of the petitioner is Rs. 76,713/- so the petitioner made wrong averments with regard to his monthly income in the revisional application.

8. This Court comes to know from the submission made by the learned Advocate for the petitioner that the petitioner filed a suit for guardianship of his children, who are now residing with their mother. When an application for guardianship has been filed by the petitioner, it presumably shows petitioner's intention that he would maintain his minor children. In order to maintain minor children, there food, clothing and education, Rs. 4,000/- per child is absolutely necessary. Therefore, I do not any illegality with regard to interim maintenance granted in favour of the said three children of the petitioner being Rs. 12,000/- in aggregate.

9. With regard to amount of maintenance which has been granted in favour of the opposite party / wife at the rate of



Rs. 12,000/- per month, it appears to this Court that while granting the said amount, the Trial Court did not consider that a Co-ordinate Bench of this Court while passing the impugned order already granted Rs. 10,000/- to the Opposite Party No. 1 and the said amount is to be adjusted with the interim maintenance.

10. Thus, the Opposite Party No. 1 is entitled to get maintenance at the rate of Rs. 10,000/-.

11. Total amount, thus, come to Rs. 22,000/- per month for the opposite party and three minor children of the parties.

12. In view of the above discussion, the instant revision is disposed of directing the petitioner to pay Rs. 22,000/- per month till the disposal of the application for maintenance under Section 125 of the Cr.P.C. within 10th of each succeeding month in the bank account of the Opposite Party No. 1.

13. With the above modification, the instant revision is disposed of.

(Bibek Chaudhuri, J)

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