

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.282 of 2025

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

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Nishchay Manoj Kumar @ Nishchay S/O Manoj Kumar R/O- Jagatnarayan Lal Road, Kadamkuan, P.O.- Kadamkuan, P.S.- Kadamkuan, District- Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Surbhi Singh W/o Nishchay Manoj Kumar R/O- Jagatnarayan Lal Road, Kadamkuan, P.O.- Kadamkuan, P.S.- Kadamkuan, District- Patna, Bihar. Presently Residing At Daughter of Late Shankar Kumar Singh, Shankar and Balram Pipe Factory, Residence Sinduriya , P.S-Barun, Distt- Aurangabad, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Saroj Kumar Sharma, Advocate Mr. Anupam Bahadur, Advocate Mr. Vikash Kumar, Advocate Mr. Sunny Kumar, Advocate Mr. Piyush Kumar, Advocate
For the State	:	Mr.Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 01-12-2025

I.A. No. 01 of 2025

The instant interlocutory application has been filed for condonation of delay in filing the present revision petition.

2. However, learned counsel for the petitioner submits that the impugned judgment is dated 21.12.2024 and the revision petition has been filed on 17.03.2025 and hence, the revision petition is well within the period of limitation.

3. In the light of submission of learned counsel for



the petitioner, I.A. No. 01 of 2025 stands disposed of considering it to be unwarranted.

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4. Heard learned counsel for the petitioner.

5. The petitioner is aggrieved by the judgment dated 21.12.2024 passed by learned Principal Judge, Family Court, Aurangabad in Maintenance Case No. 114 of 2024.

6. Learned counsel for the petitioner submits that the judgment dated 21.12.2024 is bad in law as well as on facts. Learned trial court did not appreciate the issue involved in the present case. Learned trial court ignored the fact about the opposite party no. 2 voluntarily withdrawing herself from the society of the petitioner without any reasonable and cogent reason. The opposite party no. 2 voluntarily left her matrimonial home after 20-22 days of the marriage and did not return thereafter. But this fact was not considered by the learned trial court. Learned counsel further submits that the learned trial court considered the income of the petitioner on higher side mainly on the claim of opposite party no. 2 that the petitioner earns Rs.2,50,000/- per month and has also earns Rs.1,50,000/- per month as rent. But the actual salary of the petitioner was only Rs.1,44,900/- in Indian rupees and Rs.8,000/- from the



family property. Learned counsel further submits that the petitioner is still ready to keep his wife with honour and dignity and this fact was also not considered by the learned trial court. Thus, learned counsel submits that the impugned judgment suffers from illegality, infirmity and impropriety and needs interference by this Court.

7. Perused the records.

8. From perusal of record, it is apparent that the opposite party, petitioner herein, appeared before the learned trial court and filed his written statement and also his affidavit of assets and liabilities. Subsequently, he stopped attending the court and he was proceeded ex-parte vide order dated 23.10.2024. Still, the written statement and affidavit of assets and liabilities have come on record. Now whatever may be the submission on behalf of the petitioner before this Court about the petitioner willing to keep his wife with honour and dignity or that the wife deserted him without any sound reason, this Court could not consider the submission at this stage if the petitioner failed to contest the claim of the opposite party no. 2 before the learned trial court and further failed to substantiate his ground for denying the maintenance amount to opposite party no. 2. The petitioner could not allowed to take up this



defence for the first time before this Court in absence of any evidence before the learned trial court.

9. Moreover, unless there is a finding recorded by any court that desertion of opposite party no. 2 is not reasonable, the petitioner could not get any benefit from his submission before this Court.

10. So far as the contest to the income of the petitioner is concerned, the petitioner himself produced this affidavit of assets and liabilities is apparent from paragraph 8 of the impugned judgment, wherein he has stated his income to be Rs.1,76,000/- while working as Assistant Manager in some cafe and Rs.8,000/- per month from the rent. So far as rental income is concerned, in ground no. (viii), it has been mentioned that the the said property belonged to the grandfather of the petitioner and the petitioner receives only Rs.8,000/- from it. Therefore, the income of the petitioner comes to Rs.1,76,000 + 8,000, i.e., Rs.1,84,000/- per month. The petitioner has also mentioned his monthly expenses of Rs.45,700/- per month and this fact has been mentioned in paragraph 8 of the impugned judgment. Relying on this admitted position, the learned trial court held that the petitioner was having income of Rs.1,84,000/- per month and in this manner ordered for payment of Rs.30,000/-



per month maintenance allowance from the date of filing of the petition to the opposite party no. 2. Therefore, the impugned judgment of the learned trial court allowing the maintenance of Rs.30,000/- is well reasoned order. I do not find any illegality or irregularity or impropriety in the impugned judgment and hence, the same is affirmed.

11. Accordingly, finding no merit in the present petition, the same is dismissed.

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.12.2025
Transmission Date	02.12.2025

