

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.391 of 2024

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

Remant Mishra @ Revant Son of Late Surju Mishra @ Suryanarayan Mishra
Resident of village - Paliwar (Mangrauni), P.S.- Rajnagar, District -
Madhubani At present Remant Mishra, Pujari Navratan Mandir, Near heart
hospital, village - Mangrauni, P.S.- Rajnagar, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjila Devi Wife of Remant Mishra Daughter of Sri Ganganand Jha,
Resident of village - Paliwar, P.S.- Rajnagar, District - Madhubani
3. Kaushal Kumar Son of Remant Mishra At present residing at village -
Kakraut, P.S.- Rahika, District - Madhubani (Minor children and presently
living under the guardianship of opposite party no.- 2).
4. Puja Kumari Daughter of Remant Mishra At present residing at village -
Kakraut, P.S.- Rahika, District - Madhubani (Minor children and presently
living under the guardianship of opposite party no.- 2).
5. Rohan Kumar Mishra Son of At present residing at village - Kakraut, P.S.-
Rahika, District - Madhubani (Minor children and presently living under the
guardianship of opposite party no.- 2).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate
For the Respondent/s : Mr. Jagdhar Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL JUDGMENT

Date : 23-06-2025

This is an application under Section 19(4) of the
Family Courts Act, 1984 filed by the revisionist/husband against
opposite party no. 2/wife and opposite party nos. 3, 4 and 5
being the sons and daughter of the parties, challenging the order
dated 21.03.2024 passed by the learned Principal Judge, Family
Court at Madhubani in Maintenance Case No. 202 of 2014
directing the petitioner/husband to pay Rs. 6000/- per month to



the opposite party no.2/wife and Rs. 2000/- each per month to the opposite party no. 3 to 5 till their attainment of majority. It is also ordered that there shall be 5% increase in the maintenance allowance directed to be paid to opposite party no.2 after every two years from the date of the order.

2. The said order is under challenge in the instant revision on the ground that the petitioner is a priest of a local temple and he does not have sufficient means to maintain his wife and children. It is also pleaded by the petitioner that his sons have attained majority and they are now not entitled to get maintenance allowance. The daughter of the parties was given in marriage and she has been residing happily with her husband. She is being maintained by her husband and no separate maintenance allowance is payable to the opposite party no.3.

3. On such factual issue, the petitioner has prayed for revisiting the impugned order alleging *inter alia* that the order is suffering from illegality, impropriety and correctness.

4. The case of the opposite party no.2, on the other hand, is that her marriage with the petitioner was solemnized about 18 years back and in the wedlock between the parties, the opposite party no. 2 gave birth to three children who were aged about 17 years, 15 years and 12 years respectively on the date of



her deposition on 08.08.2017. The impugned judgment was passed on 21.03.2024. Thus, on the date of delivery of judgment, the opposite party no.3 and opposite party no.5 attained majority. It is not disputed that opposite party no.4 is now married. Thus, on the date of the order passed by the learned Principal Judge in the maintenance case suffers from material irregularity, when the learned Principal Judge directed the petitioner to pay maintenance to the major sons and married daughter of the parties. It is, however, not disputed that the opposite party no.2 being his legally married wife is entitled to get maintenance. With regard to the quantum of maintenance, the trial Court held that the opposite party no.2 is entitled to get maintenance at the rate of Rs. 6000/- per month. I have already recorded that the petitioner has been working as a priest in a local temple. He did not disclose his daily monthly income as a priest. The wife of the petitioner stated that he owns an auto-rickshaw and earns Rs. 20,000/- per month from the said auto-rickshaw by driving it commercially. The said fact has not been denied specifically by the petitioner in course of trial of the case.

5. In view of such circumstances and considering the grappling increase in day to day market prices of their



essentials, this Court is of the view that the trial Court did not commit any error in directing the petitioner to pay monthly maintenance allowance at the rate of Rs. 6000/- per month in favour of the opposite party no.2 from the date of filing of the application.

6. However, on the date of passing order upon the application under Section 125 of the Cr.P.C., the sons of the parties attained majority and the daughter was given in marriage. Therefore, this Court finds that separate order for maintenance of the said sons and daughters is not necessary. Therefore, the part of the order directing the petitioner to pay maintenance in favour of the major sons and daughter is set aside. The petitioner is directed to comply with the order passed by the trial Court, so far as it relates to payment maintenance allowance in favour of the opposite party no.2.

7. With the above order, the instant revision is disposed of.

(Bibek Chaudhuri, J)

Anushka/-

AFR/NAFR	
CAV DATE	
Uploading Date	25.06.2025
Transmission Date	

