

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.711 of 2024

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

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Md. Murshid Alam S/O Md. Salauddin Resident of Village- Sibotar Tola
Sarkari, P.S.- Sakari, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ruby Parween W/O Md. Murshid R/O Village- Sakri, P.S- Sakri, Distt.-
Madhubani, at present D/O Md. ustaque of Village- Nagwara, P.S- Katre,
Dist.- Muzaffarpr (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Md Jubair Ansari, Advocate
For the Respondent/s	:	Mr. Pramod Kumar Pandey, Advocate
For O.P. No. 2	:	Mr. Ravindra Kumar Singh, Advocate
		Mr. Ashok Kumar Karna, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

8 29-07-2025 1. The instant revision under Section 19(4) of the Family Courts Act is directed against an order, dated 26th of April, 2023, passed by the learned Principal Judge, Family Court, Madhubani, in a proceeding under Section 125 of the Code of Criminal Procedure, 1973, which was registered as M. R. Case No. 362 of 2019, whereby and whereunder, the Trial Court granted interim maintenance allowance at the rate of Rs. 8,000/- per month for the Opposite Party No. 2 and at the rate of Rs. 3,000/- each for two children, total being 6,000/- per month. Thus, the petitioner was directed to pay maintenance at the rate of Rs. 14,000/- per month.



2. It is not in dispute that the Opposite Party No. 2 is the legally married wife of the petitioner. In the wedlock between the petitioner and the Opposite Party No. 2, she gave birth to two children. They are now residing with their mother.

3. It appears that from the impugned judgment as well as evidence on record that the petitioner refuses and neglects to maintain his wife and children.

4. It is contended on behalf of the Opposite Party No. 2 that the petitioner is the owner of an optical shop at Madhubani and he earns Rs. 48,000/- to 50,000/- per month.

5. On the other hand, the petitioner submits that he is an employee of an optical shop and earns Rs. 7,500/- per month towards his salary.

6. Having heard the learned Advocate for the petitioner and the Opposite Parties and on perusal of the impugned order, this Court finds that the application for interim maintenance was disposed of *ex-parte* because of the fact that in spite of service of notice, the petitioner did not turn up.



7. In the said application, supported by affidavit, the Opposite Party/wife stated that her husband earns Rs. 48,000/ to 50,000/- per month as owner of an optical shop. No contrary evidence was filed by the petitioner in the Trial Court in support of his claim that he earns Rs. 7,500/- per month.

8. In this revision, the petitioner filed three salary slips of Rs. 7,500/- per month each. The said salary slips were not filed during the hearing of the petition for interim maintenance. The said petition was disposed of ex-parte.

9. The petitioner could not submit any ground of illegality or material irregularity of the impugned order. The dispute relating to the income of the petitioner can only be ascertained and decided at the time of final hearing of the case.

10. Considering the amount of interim maintenance granted in favour of the Opposite Parties, this Court finds that a sum of Rs. 8,000/- is absolutely necessary for day to day expenditure of a lady. In order to have crumbs of bread and spoon-full of milk, the amount granted by the Trial Court towards interim maintenance in favour of



Opposite Party No. 2 and her two children does not seem to be excessive, illogical and irrelevant.

11. For the reasons stated above, I do not find any merit in the instant revision.

12. The same is, accordingly, dismissed.

13. The impugned order, dated 26th of April, 2023, passed by the learned Principal Judge, Family Court, Madhubani, stands affirmed.

(Bibek Chaudhuri, J)

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