

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.740 of 2024

In
Miscellaneous Appeal No.830 of 2019

Arising Out of PS. Case No.- Year-0 Thana- District- Kaimur (Bhabua)

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Vivek Prakash Son of Shri Om Prakash Chaturvedi Resident of Village -
Fakhrabad, P.O. - Fakhrabad, P.S. - Kudra, District - Kaimur at Bhabua

... .. Petitioner/s

Versus

Mandakini Prakash Daughter of Ram Prabha Ojha Presently residing at -
House No. M-12, B-5, Gangotri Vihar, Nagwa, P.S. - Lanka, District -
Varanasi, Uttar Pradesh

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar
For the Respondent/s : Mr. Prince Kumar Mishra

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 23-06-2025 The petitioner is a sub-Inspector of Railway Protection Force posted at Chittranjan at West Bengal. The Opposite party, on the other hand, is a wife of the petitioner. She has been residing at her paternal home at Gangotri Vihar, Nagwa in the District of Varanasi, Uttar Pradesh. It is not in dispute that the O.P. is the legally married wife of the petitioner. Admittedly, in the wedlock between the parties. The O.P. gave birth to two female children. Both are minors as on this date.

2. The impugned order suggests that the elder daughter has been residing with her father while the younger daughter has been residing with the O.P./wife. Thus, the parties have divided their daughters too for the purpose of maintenance.



The maintenance application was registered as Maintenance Case No. 37(M)/2014 before the learned Principal Judge, Family Court, Bhabhua in the District of Kaimur and it was disposed of *vide* order dated **27th August 2019**, directing the petitioner to pay Rs. 9,000/- per month to the O.P. for her maintenance and Rs. 3,000/- per month to the minor child who has been residing with the O.P., total being Rs. 12,000/- per month from the date of passing of the order.

3. In paragraph no. 15 of the impugned judgment, it is found by the learned Principal Judge, Family Court that at the time of marriage, the petitioner used to earn Rs. 36,925/- and out of the said amount a sum of Rs. 12,000/- per month was paid towards maintenance for the wife and one child. In ***Kalyan Dey Chowdhury v. Rita Dey Chowdhury Nee Nandy***, reported in ***(2017) 14 SCC 200***, the Hon'ble Supreme court relying on the previous decision of the Hon'ble Apex Court in ***Dr. Kulbhushan Kumar v. Raj Kumari***, reported in ***(1970) 3 SCC 129*** held that 25% of husband's net salary would be just and proper to be awarded as maintenance to the respondent wife.

4. Since 2019 to 2025, the petitioner's salary has been increased many-fold. As per the instruction of the O.P., his net salary is now Rs. 82,000/- per month. Considering such aspect



of the matter, maintenance allowance at the rate of Rs. 12,000/- per month is just, proper and sufficient. I do not find any ground to spill ink over the impugned order. Accordingly, the impugned order is affirmed and the instant revision is dismissed.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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