

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.808 of 2024

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

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Gorelal Yadav Son of Saryu Yadav Resident of Village - Dhotapur, P.S. - Kasichak, District - Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Bharti Wife of Gorelal Yadav Resident of Village - Pakaribarawan, Thana Road, P.S. - Pakaribarawan, District- Nawada

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mrs. Nivedita Nirvikar, Sr. Advocate Mrs. Shashi Priya, Advocate Mrs. Asmita Bharti, Advocate Mr. Amar Shakti, Advocate
For the State	:	Mr. Shailendra Kumar Singh, A.P.P.
For the O.P. No.2	:	M. Arun Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 29-07-2025 The instant revision under Section 19(4) of the Family Court Act is directed against judgment and order dated 12.07.2024 passed in Maintenance Case No.23 of 2016 registered upon an application under Section 125 of the Cr.P.C. filed by the opposite party No.2 herein in the Court of the learned Principal Judge, Family Court, Nawada.

2. By passing the impugned order, the Trial Court directed the present petitioner/husband to pay a sum of Rs.15,000/- per month towards maintenance allowance to the present opposite party No.2/wife from the date of filing of the application.

3. The learned Senior Counsel on behalf of the



petitioner/husband submits that the petitioner has approached this Court for redressal of his grievance regarding quantum of maintenance.

4. It is not in dispute that marriage of the parties was solemnized on 23.05.2002. In the said wedlock the opposite party No.2 gave birth to a girl child, who is being reared and maintained by her father, the petitioner herein.

5. It is submitted by the learned Senior Counsel on behalf of the petitioner that the petitioner has been working as Audit Inspector and earns Rs.45,600/- towards his monthly salary. The daughter of the parties was born in the year 2008 and now she is aged about 16-17 years. It is further submitted by the learned Senior Counsel on behalf of the petitioner that the petitioner spends Rs.22,900/- per month for the education of his daughter living side the rest of the income, he has his own expenditure alongwith the expenditure of his parents. Considering such circumstances, it is not possible for the petitioner financially to pay more than Rs.4000-5000/- per month to the opposite party No.2/wife.

6. Under such circumstances, he has also made a proposal for one time settlement of maintenance amount by way of Mediation. The learned Advocate on behalf of the opposite party No.2 has vehemently objected to such proposal. He refers



to Paragraph no.8 of the impugned judgment and submits that the Trial Court recorded that the Court gave several opportunities to the present petitioner to examine the witnesses but he did not.

7. Subsequently, the opposite party No.2 was compelled to move this Court for a direction of orally disposal of the case, but even thereafter, the opposite party/petitioner herein did not appear and not produced any witnesses for examination. The Trial Court vide order dated 16.03.2024 directed both the parties to file their affidavit of assets and liabilities and the opposite party No.2/wife herein filed the affidavit disclosing her assets and liabilities on 01.04.2024, but the petitioner failed and neglected to comply with the said order. Therefore, finding no other alternative, the Trial Court was compelled to proceed with the delivery of judgment on the basis of the submission made by the learned Counsel for the opposite party No.2/wife. The conduct of the present petitioner in the Trial Court is highly deplorable and no lenient view should be taken in favour of him.

8. Without showing any leniency, this Court is only anxious to fix current amount of maintenance payable to the opposite party No.2 by the petitioner. When the order of maintenance was finally passed by the Trial Court, the petitioner



rose to the occasion and filed the instant application claiming that the Court has onerous duty to fix proper maintenance allowance payable to the opposite party No.2 on the basis of the income of the petitioner and expenditure incurred by him.

9. Be that as it may, in order to give the petitioner as a special chance, I direct him to file affidavit of assets and liabilities within three weeks from the date of communication of this order to the Trial Court. Since, the opposite party No.2/wife has already filed her affidavit of assets and liabilities, the Trial Court shall consider both the affidavit of assets and liabilities and pass the final order fixing quantum of maintenance payable to the opposite party No.2/wife by the petitioner.

10. Without prejudice to the rights and contentions of the parties, the petitioner is directed to pay a sum of Rs.10,000/- per month in favour of the opposite party No.2 from the date of this order within 10th of each succeeding month, till the disposal of the Maintenance Case No.23/2016.

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

(Bibek Chaudhuri, J)

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