

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.840 of 2024

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

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Ajay Kumar, S/o- Ramchandra Prasad Yadav. Resident of village- Mahua
Singh Rai PO- Mahua PS-Mahua Dist- Vaishali

... .. Petitioner/s

Versus

Sangita Sinha, W/o- Ajay Kumar, D/o- Devendra Prasad Sinha Village-
Randaha Pashchmi Tola Po- Balatarn PS- Rajapakar Dist- Vaishali

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pranav Kumar, Advocate Mr. Rajeev Ranjan No. II, Advocate Ms. Kumari Seema Singh, Advocate
For the Respondent/s	:	Ms. Bela Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

- 3 17-06-2025 1. The instant Criminal Revision is directed against an order, dated 20th of August, 2024, passed by the learned Principal Judge, Family Court, Vaishali at Hajipur in Maintenance Case No. 156 of 2018, directing the present petitioner/husband to pay Rs. 8,000/- per month as maintenance to the opposite party from the date of filing of the application under Section 125 of the Cr.P.C. within 10th of each succeeding months from the date of the order.
2. Being aggrieved, the husband has filed the instant revision application.
3. Indisputably, marriage of the parties was solemnized on 18th of April, 2016, according to Hindu rites



and ceremonies. After marriage, opposite party came to her matrimonial home and immediately the husband of the opposite party and his family members demanded an Alto car and further dowry. As the opposite party failed to meet the demands of the revisionist/husband, she was ousted from her matrimonial home only after 10 days of her marriage, i.e., on 28th of April, 2016. That on 28th of November, 2016, the wife of the revisionist came to know that her husband had solemnized second marriage during subsistence of his first marriage. When the opposite party went to her matrimonial home, she was forcibly ousted. The opposite party filed a case bearing Complaint Case No. 1781 (C) of 2017 against her husband and his family members. It is alleged by the opposite party that the revisionist is a Mechanical Engineer, earning Rs. 70,000/- per month. Moreover, he has five acres of land and a commercial building at Hajipur from which he earns Rs. 75,000/- per month towards rent.

4. The revisionist in his written statement denied entire allegation made out against him by the opposite party. It is specifically stated by him that he is not a Mechanical



Engineer as alleged. He does not have any landed property or commercial building. On the other hand, wife of the revisionist is a Teacher in Arunanchal Pradesh and getting salary of Rs. 25,000/- per month. During trial of the case, parties led evidence and on the basis of the evidence adduced by the parties, the Trial Court granted maintenance allowance in favour of opposite party at the rate of Rs. 8,000/- per month and the said order is under challenge in the instant revision.

5. I have carefully perused the impugned order. I have also perused the lower court records, especially the evidence adduced by the witnesses on behalf of the parties.

6. In the instant case, parties have not filed any evidence of assets and liabilities as per the direction of the Hon'ble Supreme Court in Rajnesh v. Neha. The Trial Court also did not pass any specific direction for filing affidavits of assets and liabilities by the parties.

7. Be that as it may, when there is no affidavit of assets and liabilities, the Court relied on the evidence adduced by the parties. Marriage between the revisionist and the opposite party is not disputed. It is stated by the



opposite party that she stayed in her matrimonial home only for 10 days. There is no reason as to why opposite party was ousted from her matrimonial home only after 10 days of marriage.

8. Second point which is relevant for consideration in the instant case is that the revisionist has passed B.Tech examination in the year 2015. He was working in private company at Gurgaon as a Mechanical Engineer but was removed from service in the year 2016. At present, the name of the revisionist is appearing under BPL list and he is getting monthly quota of grains under Pradhan Mantri Garib Kalyan Ann Yojana.

9. At the same time, the revisionist failed to prove that the opposite party works in Arunanchal Pradesh as a Teacher and earns Rs. 25,000/- per month.

10. On the contrary, the opposite party stated on oath that she does not have any source of income. Therefore, the revisionist being the husband has legal and moral obligation to maintain his wife.

11. The Trial Court passed an order directing the revisionist to pay maintenance at the rate of Rs. 8,000/- per



month from the date of application.

12. The revisionist being highly educated and having capability of income can pay a sum of Rs. 8,000/- per month to his wife.

13. Considering such aspect of the matter, I do not find any merit in the instant revision and the same is accordingly dismissed.

14. The order passed by the learned Principal Judge, Family Court, Vaishali at Hajipur in Maintenance Case No. 156 of 2018, directing the present petitioner/husband to pay Rs. 8,000/- per month as maintenance to the opposite party is affirmed.

15. The office is directed to send the lower court records to the court concerned at the earliest.

(Bibek Chaudhuri, J)

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