

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.867 of 2022

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

Padma Devi D/o Laxmi Narayan Das, W/o Rasdeo Mandal, Resident of
Village- Tilash, P.S.- Dandkhora, District- Katihar.

... .. Petitioner

Versus

1. The State of Bihar
2. Rasdeo Mandal, Son of Laldeo Mandal, Resident of Village- Dharahara,
P.S.- Mahadeo Math, P.S.- Andhara Math, District- Madhubani.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Bhola Prasad, Advocate Mr. Indrajeet Kumar, Advocate Ms. Kajol Kumari, Advocate
For the State	:	Mr. Upendra Kumar, APP
For the O.P. No.2	:	Mr. Jay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT

Date : 27-03-2025

The present Revision Petition has been preferred against the final order dated 11.05.2022 passed by learned Additional Principal Judge Family Court, Katihar, in Maintenance Case No. 120 of 2016, whereby the Rasdeo Mandal, the Opposite Party herein has been directed to pay maintenance to his wife @ Rs. 3,000/- per month from 01.05.2016 to 30.04.2022 and thereafter @ Rs. 5,000/- per month.

2. Being aggrieved by the quantum of maintenance, the petitioner/wife has preferred the present Revision Petition.

3. The factual background of the case is that one



Maintenance Petition under Section 125 Cr.PC was filed by the petitioner/wife on 23.04.2016 against her husband, Rasdeo Mandal, who is the Opposite Party No.2 herein, claiming maintenance @ Rs.10,000/- per month.

4. In her maintenance petition, she has claimed that she was married to Rasdeo Mandal about 18-19 years ago as per Hindu Rites And Customs and after the marriage, she joined her matrimonial home and after a few years, her husband came into bad company. He developed contact with another lady of his village and started threatening her to enter into second marriage and ultimately she was ousted from the matrimonial home in the year 2000 along with her children and her husband/O.P.No.2 also entered into the second marriage with one Ranjana Devi. She has further claimed that she has no source of income and even no maintenance is being paid by her husband despite being a middle school teacher and having monthly income of Rs.50,000/-.

5. On notice, her husband of the petitioner, Rasdeo Mandal appeared and filed his show cause, wherein he has accepted Padma Devi as his legally wedded wife but he has denied the other allegations.

6. He has further stated that his wife wanted him to



live at her *maike* as a *gharjamai* but he has refused to do so. He has also admitted that as per consent of his wife, he has entered into the second marriage in the year 2000. Out of the second wedlock, two children are born. He has also admitted that he is a middle school teacher but his monthly salary is only Rs.25,000/- and he has to maintain not only his first wife but even the second wife and her two children besides his old parents.

7. I heard learned counsel for the petitioner, learned APP for the State and learned counsel for the Opposite Party No.2.

8. Learned counsel for the petitioner submits that as per the material on record, the quantum of the maintenance awarded in favour of the petitioner/wife was on the lower side. As per the admission of the husband/Opposite Party No.2, he has monthly salary of Rs.25,000/- and after 2022, he has stopped paying for the two minor children of the petitioner because they have become major in the year 2022. Hence, the number of dependents on her husband has decreased. Now, the legal dependents upon the him is only the petitioner/wife, two minor children from the second wife and two old parents, and now, his monthly salary as per the salary slip filed on record is



Rs. 57,775/-. In such facts and circumstances, the petitioner is entitled to at least @ Rs.15,000/- per month towards her maintenance since January, 2023.

9. However, learned counsel for the Opposite Party No.2 submits that in the facts and circumstances of the case, monthly maintenance @ Rs.15,000/- to the petitioner/wife since January, 2023 would be very high and it would be very difficult for the Opposite Party No.2 to maintain his parents and two minor children.

10. I considered the submissions advanced by the parties and perused the material on record.

11. I find that admittedly, in the year 2022, the Opposite Party No.2 is having monthly salary of Rs.57,775/- and he has five legal dependents upon him.

12. Considering the aforesaid facts and circumstances, direction to the Opposite Party No.2 to pay @ Rs.10,000/- per month from January, 2023 to the petitioner/wife towards her maintenance would meet the ends of justice.

13. Accordingly, the present petition is allowed, directing the husband/Opposite Party No.2 herein to pay Rs.10,000/- per month from January 2022. The rest part of the judgment needs no interference.



14. The present petition stands allowed, accordingly.

15. Total arrears, if any, must be paid to the petitioner by the Opposite Party No.2 within four months in four equal installments, failing which the Family Court is directed take coercive measure against the Opposite Party No.2 to enforce the order.

(Jitendra Kumar, J.)

Chandan/-

AFR/NAFR	N.A.F.R
CAV DATE	N.A.
Uploading Date	29.03.2025
Transmission Date	29.03.2025

