

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.25 of 2023

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

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AMIT PRASAD, Son of Bharat Prasad, Resident of House No. 71,
Karangapura D Math, P.S- D Math, Dist- Barddhaman, West Bengal

... .. Petitioner/s

Versus

Nitu Verma, Wife of Amit Prasad and Daughter of Bhagwan Prasad Resident
of House No. 71, Karangapura D Math, P.S- Coke Oven, Dist- Barddhaman,
West bengal, and presently residing in mohalla- Punjabi Market Bangla ghat,
P.S- Buxar Town, Dist- Buxar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Setu Prateek, Advocate
For the Respondent/s : Mr.Ravi Shankar Pathak, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 02-04-2025 This is an application under Section 19(4) of the

Family Court Act, which is directed against the order, dated 2nd
of September, 2022, passed by the learned Principal Judge,
Family Court, Buxar in Maintenance Case No. 105 of 2018,
whereby and whereunder, the petitioner was directed to pay
maintenance amount of Rs. 35,000/- per month to the Opposite
Party from the date of filing of the petition, i.e., 18th of August,
2018, to be paid within 10th of each succeeding month.

2. The petitioner challenged the impugned order,
dated 2nd of September, 2022 on the ground that he does not
possess financial strength or sufficient means to pay such huge
amount of maintenance allowance to the Opposite Party. This



day, the petitioner has filed a supplementary affidavit, showing his net salary for the month of January, 2025.

3. It is found from the pay slip for the month of January, 2025, in the name of the present petitioner, that his gross entitlement is Rs. 83288/- and his gross deduction is Rs. 86948/-. Therefore, he is not getting any salary and, on the other hand, incurs monthly liability of Rs. 3660/- towards the net pay.

4. On perusal of the pay slip of the petitioner, it is found that the petitioner deducts Rs. 2960/- towards PF subscription. A sum of Rs. 13100/- is deducted from the salary towards refund of loan taken from the Provident Fund. He requires to pay AFGIS subscription of Rs. 3200/-, BA subscription of Rs. 45, BA-FAS of Rs. 200, PLI premium of Rs. 1549/- GIS MCL(1) Rs. 11007/-, BA Welfare Loan Rs. 7908/- and income tax of Rs. 7830/-. A sum of Rs. 4149/- is also deducted towards miscellaneous debits from his salary. Out of the said deductions, a sum of Rs. 2960/- + Rs. 3200/- + Rs. 45/- + Rs. 200/- + Rs. 1549/- + Rs. 7830/- + Rs. 4149/- are the statutory deductions which the petitioner is under obligation to deduct from his salary.

5. Thus, an amount of Rs. 19933/- is statutorily deducted from the salary of the petitioner. If the said amount is



subtracted from the gross salary of the petitioner, the net salary would have been Rs. 63355/-.

6. It is submitted by the learned Advocate for the petitioner that the petitioner had to take loan to pay arrear maintenance as well as interim maintenance to his wife. If from the net salary of Rs. 63355/-, a sum of Rs. 35000/- is directed to be paid to the Opposite Party / wife, the petitioner's cash in hand would be Rs. 28355/-. However, more than the said amount is also deducted toward repayment of loan taken by the petitioner. Thus, it is submitted by the learned Advocate for the petitioner that if the net salary of the petitioner is considered then the amount of maintenance which has been directed by the learned Family Court would come to almost 75 per cent of his net income.

7. It is submitted by the learned Advocate for the petitioner that the petitioner is under obligation to pay maintenance to the Opposite Party but he should not be directed to pay 1/3 of his net salary towards maintenance.

8. The learned Advocate appearing on behalf of the Opposite Party, on the other hand, submits that the petitioner has refused and neglected to maintain his wife. Not only this, during the subsistence of the present marriage, the petitioner has



married for the second time. Under such circumstance and taking into consideration the status of the parties, there is no reason to interfere with the order passed by the learned Trial Court.

9. Having heard the learned counsels for the parties and on perusal of the entire materials on record, this Court is of the view that the petitioner is under obligation to pay 1/3rd of his net salary to the Opposite Party. The said amount come to Rs. 18900/- per month.

10. In view of the above finding, this Court has no hesitation to hold that the order of maintenance allowance passed by the learned Principle Judge, Family Court, Buxar in Maintenance Case No. 105 of 2018, dated 2nd of September, 2022, is liable to be modified.

11. The order passed by the Trial Court directing the petitioner to pay a sum of Rs. 35000/- per month to the Opposite Party is set aside.

12. Revision Application is accordingly allowed only on quantum of maintenance allowance.

13. The petitioner is directed to pay a sum of Rs. 18900/- towards maintenance allowance from the date of filing of the application, i.e., 18th of August, 2018.



14. All other findings made by the Trial Judge is affirmed.

15. The instant Revision Application is accordingly allowed in part.

(Bibek Chaudhuri, J)

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