

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.12 of 2023

Arising Out of PS. Case No.-19 Year-2021 Thana- DOMESTIC VIOLENCE District- Buxar

Deepak Kumar Singh @ Deepak Kumar @ Deepak Singh S/O Ramnath Singh @ Ram Nath Resident of Village- Barulli, P.S.- Narahi, District- Ballia, Uttar Pradesh

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Pinki Kumari W/O Deepak Kumar Singh @ Deepak Kumar Resident of Village- and P.O.- Sogilla, P.S.- Buxar (Muffasil), District- Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajiv Ranjan Kr. Pandey, Advocate
For the Respondent/s	:	Mr. Rajendra Prasad Nat, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

- 4 20-01-2025 The instant revision is directed against an order passed in Cr. Appeal (D.V.) No.17/2022 arising out of Complaint under the Protection of Women From Domestic Violence Act, 2005, Case No.19(C)/2021/Trial No.134/2022 by the learned Sessions Judge, Buxar on 29.11.2022 whereby and whereunder the learned Sessions Judge affirmed the ex-parte order passed by the Trial Court and directed the present petitioner to keep the applicant in her matrimonial home with respect and dignity and to make arrangement for her separate stay in the matrimonial home with house hold facilities. The petitioner was also directed to maintain the applicant and pay Rs.4,000/- per month for her expenses. The petitioner is



pecially aggrieved against the order of monitory allowance which has been directed to be paid to the opposite party No.2/wife by the learned Sessions Judge in the impugned order.

2. It is submitted on behalf of the petitioner that the opposite party No.2 filed a suit for divorce against the petitioner being Divorce Case No.315 of 2020. In the said suit, the learned Family Judge, Buxar passed an interim order directing the petitioner to pay a sum of Rs.10,000/- towards interim alimony (though in the impugned order the word compensation has been used). It is further submitted on behalf of the petitioner that when he has been paying the interim alimony/compensation at the rate of Rs.10,000/- per month, he is not under obligation to pay Rs.4,000/- in addition to the said amount towards monitory allowance.

3. I have heard the learned Advocate for the petitioner.

4. The interim compensation or alimony under Section 24 of the Hindu Marriage Act in a suit for divorce and monitory allowance in a case under Section 12 read with Section 17 of the Protection of Women from Domestic Violence Act operate in different fields, monitory allowance under the Domestic Violence Act is in the nature of monitory help for maintenance of the wife, who is not being maintained by the



husband. Law is absolutely settled that if the husband is under obligation to make payment towards alimony/compensation in a suit for divorce again further sum of money in a case under Domestic Violence Act, he is entitled to get an adjustment.

5. The learned Advocate on behalf of the petitioner submits that when the petitioner has been paying Rs.10,000/- per month, he cannot be obligated to pay additional sum of Rs.4,000/-.

6. Monitory allowance for maintenance of a lady depends on her social status and day to day need. The opposite party no.2 is the wife of a Sub-Inspector of CISF. As a Sub Inspector of CISF, the petitioner earns adequate amount to maintain his wife considering his monthly salary and present day market price of essential commodities.

7. This Court is of the view that a sum of Rs.14,000/-, Rs.10,000/- per month as alimony/compensation and Rs.4,000/- as monitory allowance in the case under the Domestic Violence Act is not excessive for the petitioner to pay.

8. Therefore, I do not find any illegality or impropriety in the impugned order passed by the learned Additional Sessions Judge, Buxar in Criminal Appeal (D.V.) No.17 of 2022.



9. Accordingly, the instant criminal revision is thus,
summarily dismissed.

(Bibek Chaudhuri, J)

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