

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1047 of 2024

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

Md. Moqutadir Firdausi @ Talib S/o- Late Shafique Ahmad Village- Bari
Dargah Ps- Bihar Dist- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
 2. Rajia Perween W/o Md. Moqutadir Firdausi @ Talib Village- Bari Dargah
Ps- Bihar Dist- Nalanda Pre. R/o- Dharahra Ps- Ben Dist- Nalanda
- Respondent/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 04-11-2025

Heard learned counsel for the petitioner.

2. The petitioner is aggrieved by the order dated 11.11.2024 passed by learned Principal Judge, Family Court, Nalanda at Biharsharif in Maintenance Case No. 60M of 2021, whereby and whereunder the learned trial court has directed the petitioner to pay interim maintenance of Rs.5,000/- per month to opposite party no. 2.

3. Learned counsel for the petitioner submits that the impugned order is not sustainable for the reason that the learned trial court has not recorded any finding about the income of the petitioner and merely on submission of opposite party no. 2, maintenance amount of Rs.5,000/- per month has been allowed apart from one time litigation cost of Rs.5,000/-.



Learned counsel further submits that from the impugned order it is apparent that no proof of income of the petitioner was furnished by opposite party no. 2 in her affidavit. Similarly, the petitioner has also denied that he was having any income so as to make payment of interim maintenance to opposite party no. 2. Learned counsel further submits that since the petitioner was not in a position to make payment of the maintenance amount, distress warrant has been issued against the petitioner.

4. Perused the record.

5. From perusal of record, I find that the notice was sent to opposite party no. 2 and it appears that the notice sent through registered cover has been validly served. However, there is no representation on behalf of opposite party no. 2.

6. From further perusal of record, I find that the order impugned is an interim order and final order is yet to be passed by learned Principal Judge. It is very surprisingly that while furnishing affidavit in terms of *Rajnish Vs. Neha, (2021) 2 SCC 324*, the petitioner has claimed that he was having no source of income as it appears from the impugned order. But then the question arises how the petitioner has been surviving if he is having no income? So, the affidavit filed by the petitioner appears to be apparently false. If it is taken that the petitioner is



having no skills and he is fit only for menial job, even then considering the minimum wages in the State of Bihar, the petitioner could easily spare Rs.150/- to 170/- per day for his wife, opposite party no. 2 herein. Considering this amount, the direction of the learned Family Court for making payment of Rs.5,000/- per month cannot be said to be excessive or unreasonable. Moreover, the impugned order is only an interim order and the petitioner has got every opportunity to show that he was having certain income or even no income by producing relevant document and making prayer to the learned Family Court for modification of the order. But, in no case, it could be said that the impugned order suffers from any illegality or impropriety or irregularly.

7. Therefore, finding no merit in the present petition, the same is dismissed.

8. Pending application, if any, stands disposed of.

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.11.2025
Transmission Date	07.11.2025

