

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.1059 of 2024**

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

Rupak Jha @ Roopak Jha S/O Ratneshwar jha At present resident of 87, Shrishti Duplex, Behind Sagar Studio, Sayajipur, VTC Vadodara, P.O- Ajwa Road, District- Vadodara, State- Gujarat, Pin Code- 390019. Permanent R/V- Beduliya/Biduliya, P.S- Andhrathadi, Distt.- Madhubani.

... .. Petitioner/s

Versus

1. Jyoti Jha W/O Rupak Jha R/O Village- Beduliya/Biduliya, Deohar, P.O- Deohar, Bhaya- Babubarhi, P.S- Andhrathadi, Distt.- Madhubani. Presently residing at Village- Murliyachak, P.O- Genaur, Bhaya Benipatti, P.S- Patauna, Distt.- Madhubani.
2. Shreyanshi Jha D/O Rupak Jha R/O Village- Beduliya/Biduliya, Deohar, P.O- Deohar, Bhaya- Babubarhi, P.S- Andhrathadi, Distt.- Madhubani. Presently residing at Village- Murliyachak, P.O- Genaur, Bhaya Benipatti, P.S- Patauna, Distt.- Madhubani.

... .. Respondent/s

**Appearance :**

|                      |   |                                                                                       |
|----------------------|---|---------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Ajay Kumar Thakur, Adv.,<br>Ms. Vaishnavi Singh, Adv.,<br>Ms. Ritwik Thakur, Adv. |
| For the Respondent/s | : | Mr. Mrityunjay Kumar, APP                                                             |

**CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI**  
**ORAL ORDER**

6      29-07-2025                      The instant criminal revision under Section 19(4) of the Family Court's Act is directed against an order passed by the learned Principal Judge, Family Court at Madhubani in M.R. Case No. 52 of 2017 being a proceeding under Section 125 of the Cr.P.C., directing the present petitioner/husband to pay maintenance @ Rs. 15,000/- per month to the opposite party no. 1 and Rs. 10,000/- per month to the opposite party no. 2 w.e.f. the date of filing of the application along with arrears maintenance.



2. The aforesaid order is challenged by the husband/petitioner only on the ground that the opposite party no. 1/wife has sufficient means to maintain herself and the minor child of the parties as she is a working lady under the Department of Ministry of Textile.

3. The opposite party no. 1, during the trial of the case, filed affidavits of assets and liabilities where she stated that she does not have any income of her own. In the trial court the present petitioner/opposite party herein made an application stating, inter alia, that in the name of the present opposite party no. 1, one E.P.F. account number is maintained bearing U.A. No. 101882928416. The petitioner herein also submitted an application for a direction upon the opposite party no. 1 to produce the bank account in the name of opposite party no. 1, which she has been maintaining as a salary account in Indian Overseas Bank. No order was passed on the said application filed by the opposite party in the trial court.

4. It is needless to say that Section 125(1) stipulates:-

***“125. Order for maintenance of  
wives, children and parents.***

***(1) If any person having sufficient means  
neglects or refuses to maintain -***

***(a) his wife, unable to maintain herself, or***

***(b) his legitimate or illegitimate minor child,***



*whether married or not, unable to maintain itself, or*

*(c) his legitimate or illegitimate child (not being a married daughter) who has attained majority, where such child is, by reason of any physical or mental abnormality or injury unable to maintain itself, or*

*(d) his father or mother, unable to maintain himself or herself, a Magistrate of the first class may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or such child, father or mother, at such monthly rate as such Magistrate thinks fit, and to pay the same to such person as the Magistrate may from time to time direct :”.*

5. Thus, a wife is entitled to get maintenance, if her husband neglects or refuses to maintain her and secondly, she is unable to maintain herself.

6. In the instant case, the husband/petitioner has claimed that opposite party no. 1 is an employee of Ministry of Textile, posted in Gwalior in the State of Madhya Pradesh and she has sufficient income to maintain herself.

7. Today the petitioner has filed a supplementary affidavit annexing, inter alia, working strength of a designers impaneled with the office of the D/C (Handicraft) in the year 2023 and the name of the opposite party no. 1 is appearing in Serial No. 323. Again the opposite party has filed another set of documents mentioning the names and numbers of working



strength in Design and Development Workshop (DDWS) allocated to impaneled designers in the financial year 2025-26. The name of opposite party is recorded in Serial No. 286. These documents, prima facie, shows that the opposite party no. 1 may be in some sort of employment. This fact has been suppressed by the opposite party.

8. Under such circumstances, this Court is of the view that the order passed in M.R. Case No. 52 of 2017, by the learned Principal Judge, Family Court, Madhubani is liable to be set aside in part with a direction to the trial court to re-appreciate the documents filed in this Court by the petitioner showing employment of opposite party no. 1, giving the parties liberty to adduce evidence.

9. Therefore, this Court set asides the order of maintenance granted in favour of opposite party no. 1 by the trial court.

10. However, the petitioner is under legal and moral obligation to maintain his minor daughter.

11. Rearing up of children and providing maintenance for the children is not a one way traffic which should only be borne by the mother. The petitioner being the father of opposite party no. 2 is under obligation to maintain his minor daughter.



12. Therefore, this Court affirms the part of the order passed by the trial court granting maintenance to the opposite party no. 2, the minor daughter.

13. The learned Advocate on behalf of opposite party no. 1 vehemently urges to consider the certain documents to come to a finding that the opposite party does not have any employment.

14. The opposite party is at liberty to produce such documents in the trial court adducing evidence in support of her claim.

15. With the above order, the instant criminal revision is disposed of.

16. The Judgment passed in M.R. Case No. 52 of 2017 on 28<sup>th</sup> September, 2024 is partly dismissed.

17. The trial court is directed to take up the issue as stated aforesaid immediately on receipt of the copy of the Judgment passed by this Court and try to dispose of the matter within three months from the date of this order.

**(Bibek Chaudhuri, J)**

pravinkumar/-

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