

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.413 of 2021

Nutan Devi @ Nutan Kumari, W/o Hemant Kumar, D/o Sri Birendra Kumar Choudhary, Resident of Village - Aadarsh Nagar, Ward no.16, Araria, P.S.- and Distt.- Araria.

... .. Petitioner

Versus

1. The State of Bihar
2. Hemant Kumar, Son of Prof. Naval Kishor Singh, Resident of Village - Aadarsh Nagar, Ward No.16, Araria, P.S.- and Distt.- Araria.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Kumar Uday Bhanu Roy, Advocate Mr. Sunil Kumar, Advocate Mr. Ankit Kumar, Advocate
For the State	:	Mr. Upendra Kumar, APP
For the O.P. No.2	:	Mr. Mritunjay Kumar, Advocate Md. Danish Quamar, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

12 16-02-2026 The present Criminal Revision Petition has been filed by the Petitioner/wife against the impugned order dated 15.12.2020, whereby learned Principal Judge Family Court, Araria has awarded monthly maintenance of Rs.10,000/- payable by the husband/O.P. No.2 herein to the Petitioner/wife. The Petitioner/wife is aggrieved that the quantum of maintenance is on the lower side in view of the income of her husband/O.P. No.2.

2. I heard learned counsel for the Petitioner, learned APP for the State and learned counsel for the O.P. No.2.

3. Learned counsel for the Petitioner submits that the



salary slip of the husband/O.P. No.2 for the month of July, August and September, 2019 has been filed on record by way of exhibits, as per which, the net monthly salary of the husband/O.P. No.2 for July, 2019 is Rs. 44,614/-, for August, 2019 is Rs. 45,238/- and for the month of September, 2019 is Rs. 45,743/- and learned Family Court has found on the basis of these salary slips that the monthly salary of the husband/O.P. No.2 is more than Rs.40,000/- per month, and hence, finding no dependents other than the wife, he has directed the husband/O.P. No.2 to pay an amount of Rs.10,000/- per month to his wife.

4. He further submits that as per the record, the minimum monthly maintenance awardable to the wife/petitioner is Rs.15,000/- but learned Family Court has erroneously awarded only Rs.10,000/- as monthly maintenance in favour of the wife/petitioner.

5. He also submits that no litigation cost has been awarded by learned Family Court, whereas learned Family Court should have ordered payment of some litigation cost payable to the wife/Petitioner.

6. However, learned counsel for the O.P. No.2 submits that in view of the aforesaid facts and circumstances of the case and material on record, there is no illegality or infirmity



in the impugned order and the same is not required to be interfered with by enhancing the quantum of maintenance in view of the expenditure of the O.P. No.2/husband, who is working in Delhi and having heavy cost of living.

7. I considered the submission advanced by both the parties and perused the material on record.

8. I find that the maintenance petition by the Petitioner/wife was filed in the year 2017 and the impugned order was passed in the year 2020 and the salary slip of the husband on record is for the month of July, August and September, 2019, as per which the net monthly income is about Rs. 45,000/-. As such, it goes without saying that the income of the husband/O.P. No.2 must be on the lower side in the year 2017 and it must be higher in the year of passing the impugned order. As such, the net monthly salary of the Petitioner is about Rs.45,000/-. It also transpires from the record that the husband has only wife as dependent because his parents are not dependent upon him because his father is a pensioner.

9. Now, the only question for consideration of this Court is, what would be the just amount payable by the husband to his wife as her maintenance out of the monthly income of Rs.45,000/-.



10. Seeing no source of income of the wife and her requirement and seeing also the cost of living of the husband at Delhi and his monthly salary, monthly maintenance of Rs.13,000/- would be just and proper.

11. Hence, this order is allowed, directing the O.P. No.2/husband to pay Rs.13,000/- per month to his wife towards her maintenance from the date of filing of the maintenance petition i.e from 05.10.2017. The Petitioner/wife would be also entitled to get some litigation cost. Hence, O.P. No.2/husband is also directed to pay a lump sum amount of Rs.10,000/- towards litigation cost before learned Family Court.

12. The present petition stands allowed, accordingly.

(Jitendra Kumar, J.)

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