

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.297 of 2025

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Dhananjay Kumar @ Dhananjay Uppadhyaya Son of Late Chaman Upadhyay, Resident of Near-4 Bihar Regiment Quarter, Namkum, Ranchi, Police Station - Namkum in the district of Ranchi (Jharkhand)

... .. Petitioner

Versus

Ruby Devi Wife of Dhananjay Kumar @ Dhananjay Uppadhyaya and Daughter of Surendra Kumar Dubey, Resident of Village - Devkuli, P.S. - Brahmpur in the district of Buxar

... .. Respondent

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Appearance :

For the Petitioner : Mr. Sunil Kumar, Advocate
For the Respondent : Mr. Mani Lal Mahto, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 03-02-2026

Heard learned counsel for the parties.

2. The present Criminal Revision petition has been filed against the order dated 11.12.2024 passed by learned Principal Judge, Family Court, Buxar in Maintenance Case No. 28 of 2020, by which the petitioner has been directed to pay monthly Interim maintenance of Rs. 12,000/- per month (Rs. 8,000/- for opposite party no. 2/wife and Rs. 4,000/- for her son). The amount of Interim maintenance was made payable with effect from 22.06.2023.

3. Learned counsel for the petitioner submits that without any material being available on record regarding income of petitioner, the learned Family Court has fixed the Interim maintenance amount which is excessive. Though the learned Family Court has noted this fact that opposite party no. 2/wife has



not furnished any document with regard to income of her husband or any land record, still, the Family Court went on to assume income of Rs. 2 lakh per month of the petitioner and on that basis ordered for the payment of Rs. 8,000/- to the opposite party no. 2/wife and Rs. 4,000/- to her son. He further submits that the opposite party no. 2/wife has filed a false affidavit regarding assets and liabilities and the learned trial Court without ascertaining income of the petitioner on cogent evidence fixed the maintenance amount on the basis of presumption. Therefore, the impugned order could not be sustained.

4. However, learned counsel appearing on behalf of the opposite party no. 2 submits that it is an Interim order and the petitioner has opportunity to get it modified after trial when the final orders are passed. Learned counsel further submits that the petitioner deserted his wife and they have two sons and one son stays with the petitioner, whereas the other stays with the opposite party no. 2/wife. The order of Interim maintenance directing payment of Rs. 12,000/- per month cannot be set to be excessive considering the cost of living and inflation. The petitioner has approached this Court in premature manner and has not waited for passing of final order. Therefore, there is no infirmity in the impugned order.

5. I have given my thoughtful consideration to the



rival submission of the parties. The revision has been preferred against an Interim order and the Court's are normally reluctant to interfere with such order. The only ground taken by the impugned order is that the learned trial Court did not assess the income of the petitioner and still went on to pass order taking the income of the petitioner to be rupees 2 lakh per month. The affidavit for assets and liabilities are filed on behalf of the parties before the learned trial Court. The learned trial Court has taken note of this fact that no honest disclosure is made in the affidavit. The learned trial Court has also noticed that the petitioner did not disclose his income and has also not given any independent source of income. But when the petitioner solemnized marriage with the opposite party no. 2, he became duty-bound to maintain his wife and children, and at this stage if the petitioner says he is not having any independent income, such contention would be taken with a pinch of salt. As there is no dispute over the fact that the opposite party no. 2 and her son are dependent on the income of the petitioner for their survival, a reasonable amount should have been allowed towards their maintenance. However, as the matter is yet to be finally adjudicated, I am of the considered opinion that with slight modification in the amount of Interim maintenance, the present revision petition can be disposed of with a direction to the learned trial Court to dispose of the matter at the earliest, so as to



finally decide the prayer for maintenance to the petitioner.

6. Therefore, without going into the merits of rival contentions, the Interim maintenance amount awarded to the opposite party no. 2 and her son is reduced from Rs. 8,000/- to Rs. 6,000/- for the opposite party no. 2/wife while keeping intact the amount to be awarded to her son at Rs. 4,000/-. Thus, an amount of Rs. 10,000/- will be paid by the petitioner to the opposite party no. 2 and their son every month in terms of the impugned order dated 11.12.2024.

7. With the aforesaid modification in the impugned order, the present writ petition stands disposed of. It is made clear that this Court has not expressed any opinion on respective merits of the case of the parties and the learned Family Court would take steps for finally disposing of the maintenance case uninfluenced by the present order.

(Arun Kumar Jha, J)

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