

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.523 of 2024

=====

Furkan Alam @ Md. Furkan Alam Son Of Jahiruddin Ansari R/O- Baradari Mohalla, Purani Shahr, Daudnagar, P.S.- Daudnagar, Distt.- Aurangabad, Presently Posted In The Office Of Commandant 104 Bn. Bsf Khasiamangal, Teliamura (Tripura)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Saema Arfa Wife Of Furkan Alam R/O- Ward No. 3, Baradari Muhalla, Purani Shahr Daudnagar, Distt.- Aurangabad (BIHAR), At Present Residing At House Of Md. Isteyak Ahmad, Resident Of Village Bala Pokhar, P.S.- Deo, Distt.- Aurangabad

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Najeeb Ahmad, Advocate Ms. Saobiya Mushtaque, Advocate
For the State	:	Mr.Dr. Ajeet Kumar, APP
For O.P. No. 2	:	Mr. Santosh Kumar Pandey, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 19-02-2026

Heard learned counsel for the parties.

2. The present criminal revision petition has been filed for setting aside the order dated 30.05.2024 passed by learned Principal Judge, Family Court, Aurangabad in Maintenance Case No. 85 of 2022, whereby and whereunder the learned Family Court directed the petitioner to pay Rs.20,000/- per month to opposite party no. 2 as maintenance allowance from the date of filing of the petition, i.e., 13.05.2022 with direction that the maintenance amount would be paid within



10th date of each and every succeeding month and arrears of maintenance amount would be paid by the petitioner in 20 equal installments. Further, the learned Family Court directed to pay Rs.15,000/- to opposite party no. 2 for litigation expenses.

3. Learned counsel for the petitioner submits that the impugned order is bad in law and on facts. The learned Principal Judge has failed to appreciate that the petitioner is not neglecting and refusing to maintain the opposite party no. 2 but it is the opposite party no. 2, who, without any sufficient reason, has refused to live with the petitioner. Learned Principal Judge further erred in recording a finding that the petitioner has been earning Rs.80,000/- per month. Learned trial court further erred in assessing the status of the parties in granting maintenance to opposite party no. 2 so as allow her maintain a similar life style as in her matrimonial home considering the capacity of the petitioner. Learned counsel further submits that the basic salary of the petitioner is only Rs.33,000/- but the said fact has not been considered by the learned Principal Judge, Family Court. Learned counsel further submits that the petitioner is still willing and ready to keep the opposite party no. 2 with honour and dignity but she refuses to stay with the petitioner or in the accommodation provided by the petitioner. Therefore, the order



impugned is illegal, improper and not sustainable in the eyes of law and the same is fit to be set aside.

4. Learned counsel appearing on behalf of opposite party no. 2 vehemently contends that there is no infirmity in the order of the learned Principal Judge. Learned counsel further submits that the petitioner never intended to keep the opposite party no. 2 with honour and dignity. Several attempts were made for settlement and even at the instance of learned Co-ordinate Bench, the matter was referred to Mediation Centre but the mediation failed. The petitioner did not make any payment of the maintenance amount or arrears except Rs.1,50,000/- which was paid to opposite party no. 2 in terms of orders of the learned Co-ordinate Bench dated 18.10.2024. Thereafter, the recovery of further maintenance amount was stayed by the learned Co-ordinate Bench. Learned counsel further submits that when the petitioner was directed to file affidavit of assets and liabilities he did not furnish his salary slip and left that column blank. So the petitioner cannot be allowed to agitate the matter before this Court on this account. Learned counsel further submits that the petitioner is employed in BSF and similarly placed Constable of BSF is getting gross salary of Rs.79139/- and after deduction which comes to



Rs.72958/-. Learned counsel further submits that the learned trial court on the basis of document available on record as well as assets and liabilities of the parties and status of parties in the facts and circumstances, allowed maintenance amount of Rs.20,000/- per month in favour of opposite party no. 2 which is just and proper and cannot be said to be excessive. Learned counsel further submits that, moreover, the petitioner has failed to point out any illegality or infirmity in the impugned order so as to interfere in the order by this Court in revisional jurisdiction.

5. By way of reply, learned counsel for the petitioner submits that as on date the basic salary of the petitioner is Rs.34,300/- and gross salary is Rs.69976/- and after deduction which comes to Rs.63858/- as per the salary slip of May, 2025.

6. I have given my thoughtful consideration to the rival submission of the parties and perused the record.

7. From perusal of the impugned order, I find that the learned trial court has taken note of the fact that the petitioner, though a salaried person, did not produce his salary slip and left the column blank as submitted by learned counsel for the opposite party no. 2. Even as per the salary slip, the



petitioner has been getting gross salary of Rs.69,976/- in May, 2025 which must have increased with passage of time. The scope for interference in revisional jurisdiction is very limited. In revisional jurisdiction the court cannot re-appreciate the fact or the material unless there is manifest illegality or perversity in the impugned order or some material irregularity, the courts are forbidden to interfere in the order under challenge in revisional jurisdiction. Therefore, finding no merit this Court is not inclined to interfere in the impugned order except to the challenge of quantum of maintenance amount on the ground that it has been held in catena of decisions by the Hon'ble Supreme Court that 25% of the salary of a salaried person could be awarded maintenance amount. Learned Principal Judge, Family Court arrived at its conclusion about the income of the petitioner in absence of the salary slip of the petitioner. But the court should have directed the petitioner or his employer to produce salary slip as the petitioner did not produce the salary slip before the learned trial court. However, taking the salary of the petitioner to be around Rs.72,000/- as on date, considering the salary slip of May, 2025, the petitioner must pay Rs.18,000/- per month to opposite party no. 2. The order dated 30.05.2024 passed by learned Principal Judge, Family Court, Aurangabad in



Maintenance Case No. 85 of 2022 is modified to the extent that in place of Rs.20,000/- the petitioner is directed to pay Rs.18,000/- per month to the opposite party no. 2. The rest of the order will remain the same.

8. Accordingly, the present revision petition stands disposed of.

9. The opposite party no. 2 is at liberty to have recourse of law for execution of the order of maintenance including approaching the employer of the petitioner.

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.02.2026
Transmission Date	23.02.2026

