

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30163 of 2016

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Gajala Praveen Wife of Peer Mohamad resident of Village- Pearganj, P.O. Tehta, P.S. Makhdumpur, Dist Jehanabad.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Peer Mohamad Son of Abdul Karim C/o Executive Engineer, North Koel Canal Division No. -1 Aurangabad Distt Aurangabad Present residing at Mohalla- Ansarbag, Sikri Road P.O. P.S Aurangabad , Distt Aurangabad Pin-824101

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar, Advocate
For the Opposite Party/s : Mr.Arun Kumar APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 17-07-2026 Heard the learned counsel for the petitioner and learned A.P.P. for the State.

2. The learned counsel has moved this court for quashing of the order dated 12.01.2016 passed by the court of learned Principal Judge, Family Court, Jehanabad whereby, his petition under Section 127 of Cr.P.C. for enhancement of maintenance amount from Rs.1000/- to Rs. 7,500/- was dismissed.

3. Learned counsel for the petitioner submits that the Opposite Party No. 2 was getting Rs. 23,000/- and odd amount by way of salary, and therefore, the fixation of maintenance was not in accordance with law, as well as the stature of the Opposite



Party No. 2. It has been submitted that the Opposite Party No. 2 has also undergone a second marriage during the lifetime of his first wife and the petitioner has children to look after and she is anyhow managing her livelihood. It has been submitted by the learned counsel for the petitioner that to his information, even the amount which was directed to be given to the petitioner was not being paid earlier.

4. Learned A.P.P. for the State has submitted that more than 10 years have elapsed since the said order has been passed and looking at the circumstance that the Opposite Party No. 2 has already married and has a second wife and has children from the said marriage, the direction given to the petitioner for payment of Rs.1000/- is proper and therefore, there is no illegality in the order passed by the learned Principal Judge, Family Court, Jehanabad.

5. Considering the aforesaid submissions, this Court takes note of the fact that admittedly Rs. 350/- maintenance was granted to the petitioner in the maintenance case and later, the same was enhanced to Rs. 1000/-. It has also been noted that the petitioner is the divorced wife of the Opposite Party No. 2, who has performed second marriage.

6. This Court from perusal of the impugned order also



finds that the Opposite Party No. 2 has since retired and his pension was fixed on the basis of his basic salary and therefore the amount, which has been directed to the Opposite Party No. 2 to be paid to the petitioner, seems to be apt coupled with the fact that he has performed a second marriage and he has children out of the said wedlock.

7. Taking into account the considerations made in the impugned order dated 12.01.2016, I find no illegality in the same.

8. Accordingly, the application stands dismissed.

(Sourendra Pandey, J)

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