Neutral Citation No. (2026:JHHC:27535)

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 161 of 2026

Imtiyaz Ansari, son of Shahid Ansari, resident of village + PO: Saroni Bazar, PS: Godda (M), District: Godda. ... Petitioner

Versus

1. The State of Jharkhand
2. Gulbhanu Bibi, wife of Imtiyaz Ansari, daughter of Rahman Ansari, presently resides at village + PO: Pathra, Ps: Godda Town, District: Godda. Permanent resident of village + PO: Saroni Bazar, PS: Godda (M), Distt: Godda. … Opposite Parties

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CORAM: **HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY**

For the Petitioner : Mr. Ranjan Kumar Singh, Advocate
For the State : Spl.P.P.
For the Opp. Party No.2 : Mr. Mrityunjay Choudhary, Advocate
Mr. Indra Bhushan Prasad Sinha, Advocate

03/14.09.2026

Heard the learned counsel for the respective sides.

This application is directed against the judgment dated 13.11.2025, passed by the learned Principal Judge, Family Court, Godda in Original Maintenance Case No. 133 of 2023, whereby and whereunder, the petitioner has been directed to make payment of maintenance of Rs.4000/- per month to the opposite party no.2 herein from the date of filing of the application i.e. 03.07.2023.

An application was preferred by the wife/ opposite party no.2 herein under section 125 Cr.P.C. in which it has been stated that the marriage of the opposite party no.2 was solemnized with the petitioner on 17.06.2022 as per Muslim rites and customs but after six months, she was subjected to torture on account of non-fulfillment of demand of Rs.2,00,000/- and a pulsar motorcycle. The opposite party no.2 herein was finally ousted from her matrimonial house on 15.03.2023 after keeping all her belongings. A panchayati was called but the petitioner did not appear. It has also been stated that the petitioner works in Delhi and earns Rs.20,000/- per month and he also has income of Rs.1,00,000/- per annum from agricultural land as well as some other income from sale and purchase of cattle. Based on what has been stated by the

opposite party no.2 herein, an amount of Rs.12,000/- per month had been claimed as maintenance.

On being noticed, the petitioner had appeared and filed his show-cause in which there is a total denial with respect to the marriage between the petitioner and the opposite party no.2. The petitioner has stated that the nikahnama itself is a doubtful piece of document on account of various shortcomings including the absence of the signature of the witnesses and it has also been stated that in the 498-A case instituted by the opposite party no.2, it has clearly been mentioned that the said case has been filed on account of the refusal on the part of the petitioner to solemnize marriage with the opposite party no.2. It has also been stated that the petitioner works as a labourer and earns an amount of Rs.4,000/- per month and he does not get consistent work.

The petitioner had examined four witnesses in support of his case while the opposite party no.2 had also examined four witnesses on her behalf including herself.

Based on the evidence on record, a judgment was passed on 13.11.2025, by the learned Principal Judge, Family Court, Godda in Original Maintenance Case No. 133 of 2023, wherein the petitioner was directed to make payment of Rs.4000/- per month to the opposite party no.2 herein from the date of filing of the application i.e. 03.07.2023.

Submission has been advanced by Mr. Ranjan Kumar Singh, learned counsel for the petitioner-husband that since the marriage between the petitioner and the opposite party no.2 has not been proved, the learned Court-below should not have awarded an amount of Rs.4,000/- per month as maintenance. It has been submitted that there are various irregularities in the nikahnama which furthermore proves that the marriage between the petitioner and the opposite party no.2 has not been solemnized and the same gains strength from the written report filed by the opposite party no.2 under section 498-A of the Indian Penal Code which also suggests that the same was filed in order to create pressure upon the petitioner to solemnize marriage with the opposite party no.2. Learned counsel has further submitted that the learned Court-below has not taken into consideration the actual income of the

petitioner while awarding an amount of Rs.4000/- per month to the opposite party no.2.

Mr. Mrityunjay Choudhary, learned counsel for the opposite party no.2 has submitted that the written report with respect to an offence under section 498-A of the Indian Penal Code submitted by the petitioner does not mention that the marriage of the opposite party no.2 was not solemnized with the petitioner. It has further been submitted that the learned Court-below has compared the signature of the petitioner in the application with the signature in the nikahnama and has come to a conclusion that both the signatures are same and similar and in fact, the absence of the signature of one witness would not create a doubt over the said nikahnama. Learned counsel further adds that if at all the petitioner is aggrieved, the petitioner could very well have approached the competent Court for declaration of the nikahnama as null and void. It has also been submitted that a meagre amount of Rs. 4000/- per month has been awarded in favour of the opposite party no.2 based on the income of the petitioner, who works in Delhi as a labourer and has sufficient means to pay an amount of Rs.4000/- to the opposite party no.2.

It seems that the bone of contention between both the parties in the 125 Cr.P.C. proceeding appears to be the nikahnama as its veracity has been doubted by the petitioner though the opposite party no.2 has claimed that the marriage was indeed solemnized between her and the petitioner and on account of non-fulfillment of the demand of Rs. 2,00,000/- and a pulsar motorcycle, she was tortured and ultimately, ousted from her matrimonial house. A perusal of the impugned judgment dated 13.11.2025 does reveal that the learned Court-below has dissected the nikahnama and has come to a conclusion that the signature of the petitioner does find place in the said nikahnama and in fact, the signature of one of the witnesses is also prominent in the same. There does not appear to be any dispute with respect to the signature of the petitioner on the nikahnama as whatever denial has been made the same seems to be vague and opaque. It has thus been concluded by the learned Court-below that the marriage of the opposite party no.2 was

solemnized with the petitioner and as a consequence thereof, the learned Court-below has also assessed the income of the petitioner to be an amount of Rs.10000/- to Rs.15000/- per month which has led the Court to award a meagre amount of Rs.4000/-per month in favour of the opposite party no.2. The impugned judgment dated 13.11.2025 has considered the entire features of the case while coming to the conclusion awarding an amount of Rs.4000/- per month to the opposite party no.2 and there being no reason to differ with the finding recorded by the learned Court-below, I am not inclined to entertain this application which accordingly stands dismissed.

(RONGON MUKHOPADHYAY, J.)

14.09.2026
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