

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Revision No. 1494 of 2019

Saibur Sk Petitioner
Versus
1. The State of Jharkhand
2. Nusnara Bibi
3. Montasir Sk
4. Tanbir Sk Opposite Parties

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CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Petitioners : Mr. K.K.Ojha, Adv.
For the State : Mr. G.S.Prasad, A.P.P.

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The matter was taken up through Video Conferencing. Learned counsels for the parties had no objection with it and submitted that the audio and video qualities are good.

02/07.09.2021 The instant application has been filed against the order dated 26.09.2019 passed by the learned Principal Judge, Family Court, Pakur in Original Maintenance Case No.204 of 2018/ (CNR No.JHPK05-000340-2018), wherein Rs.2,000/- per month as maintenance has been granted to the wife and Rs.750/- per month each to the children.

It has been submitted by learned counsel for the petitioner that the marriage has taken place between the parties 24 years ago and out of their wedlock, they have been blessed with four children and out of four two are adult and they are earning members. The wife and two minor children are residing separately.

It has been further submitted that there was earlier litigation between the parties and one criminal case under Section 498 (A) of the IPC and another for maintenance under Section 125 of the Cr.P.C. has been lodged, both resulted in compromise. Subsequently, again dispute has arisen and the present case has been lodged. It has been further submitted that the petitioner is the victim rather he has been driven out from the house by the wife by support of her adult children and as such, awarding maintenance is cruelty against the husband. It has been further submitted that there is no proof of income and in absence of any prove of income, awarding of maintenance is *per se* illegal. On above facts, prayer to set aside the impugned order has been made.

On the other hand, learned counsel for the State has supported the impugned order.

Having heard learned counsel for the parties and from perusal of the records, it appears that the marriage between the parties is not in dispute. They have been blessed with four children. The wife is residing separately with two minor children. The court below has considered the entire factum and in absence of any evidence regarding the income of the husband, the maintenance amount of Rs.2,000/- per month to the wife and Rs.750/- per month each to the children has

been awarded. The husband himself submitted before the court below that earlier some land has been transferred and Rs.1,50,000/- has been paid to the wife.

Considering the above facts, this Court finds that the awarded amount of maintenance is rational and requires no interference.

Accordingly, instant criminal revision is, hereby, dismissed.

(Rajesh Kumar, J.)

Shahid/