
(2010) 09 PAT CK 0163
In the Patna High Court
Case No : Criminal Rev. No. 262 of 2008

Asha Devi

APPELLANT

Vs

The State of Bihar and Another

RESPONDENT

Date of Decision : 23-09-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 125

Citation : (2011) 3 PLJR 76

Hon'ble Judges : Kishore K. Mandal, J

Bench : Single Bench

Advocate : Bajrangi Lal, for the Appellant; A.M.P. Mehta, for the Respondent

Judgement

Kishore K. Mandal, J.—Heard Learned Counsel for the Petitioner and Learned Counsel for the State. No body has appeared on behalf of the opposite party.

2. The applicant-wife is aggrieved by the amount of maintenance fixed under the impugned order dated 5.2.2008. She has, therefore, approached this Court for enhancement of the said amount.

3. From a perusal of the order impugned, it appears that on a consideration of the materials on record, the learned Principal Judge, Family Court, Gaya directed for payment of a sum of Rs. 3,000/-per month to the Petitioner as maintenance.

4. Learned Counsel for the Petitioner submits that the order impugned does not indicate as to from which date the amount of maintenance shall be payable. He submits that in view of the provisions contained u/s 125 Code of Criminal Procedure, the amount shall be payable with effect from the date of filing of the application.

5. This Court finds force in the submission of Learned Counsel for the Petitioner. It is thus clarified that the payment of maintenance as directed under impugned order shall be payable to the Petitioner with effect from the date of filing of the application.

6. The application is accordingly disposed of.