

(2019) 09 PAT CK 0082

In the Patna High Court

Case No : Criminal Revision No. 204 Of 2018

Roushan Yadav @ Roushan K. Yadav

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 13-09-2019

Acts Referred:

Family Courts Act, 1984 — Section 19(4)

Citation : (2019) 09 PAT CK 0082

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Sudhir Kumar Sinha, Ajay Kumar Sinha, Jharkhandi Upadhyay

Final Decision : Dismissed

Judgement

1. Heard learned counsel for the petitioner and learned APP for the State.
2. The petitioner has moved the Court under Section 19 (4) of the Family Courts Act, 1984, against the order dated 06.12.2017 passed by the Principal Judge, Family Court, Gaya in Miscellaneous Case No. 110 of 2015, by which monthly maintenance of Rs. 5,000/- has been awarded in favour of the opposite party no. 2.
3. Learned counsel for the petitioner submitted that he does not have sufficient earning to pay the wife Rs. 5,000/- per month. It was submitted that he merely installs Dish TV which does not give him enough income so as to be in a position to pay Rs. 5,000/- per month to the wife.
4. Learned APP submitted that the order is well considered based on evidence and materials before the Court. It was submitted that the petitioner himself in his examination has admitted that he runs Dish TV which clearly means that he is in such business. It was submitted that specific averment has come in the statement of witnesses that he also earns Rs. 20,000/- per month from monthly rental and Rs. 30,000/- monthly from Dish TV business.

5. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not find any merit in the present application.

6. From the materials before the Court below and the consideration made in the order, this Court does not find that the amount of Rs. 5,000/- per month maintenance is arbitrary or exorbitant. The Court below while fixing the quantum has relied on the materials before it and the statement of witnesses in which this Court does not find any error.

7. In view thereof, the application stands dismissed.