

Maintenance Case No.473/2024

**1.Robina Khatoon, W/o-Atiullah Ansari, D/o- Md. Rahman,
2.Altmas Ansari, aged about 7 years, S/o-Atiullah Ansari,
3.Afifa Pravin, aged about 2 ½ years, D/o-Atiullah Ansari,
Petitioner Nos.2 & 3 are minors and are under the guardianship of
their mother.**

**All R/O Village- Rupani Pandey Tola, P.S- Patahi, District- East
Champaran.**

-----Petitioners

-Versus-

**Atiullah Ansari, S/o-Md. Riyazul Haq, Village- Bhela Chapra, P.S-
Turkauliya, Post- Semra, District- East Champaran.**

-----Opposite Party

Argument of petitioner:-11.05.2026

Argument of Opposite Party:-19.05.2026

Date of Judgment:-26.05.2026

Present:

**Esrar Ahmed,
Principal Judge, Family Court,
East Champaran, Motihari.**

Appearance

For the Petitioner: Dr. Ajay Prasad, Ld. Advocate

For the Opposite Party: Asgar Ali, Ld. Advocate.

ORDER

Introduction

1. This maintenance case has been filed on behalf of the petitioner, Robina Khatoon under Section 144 of the B.N.S.S against her husband/opposite party, Atiullah Ansari (hereinafter referred to as the O.P) for grant of maintenance of Rs.25,000/- per month for herself and for her two minor children namely Altmas Ansari and Afifa Pravin who are petitioner no.2 and 3 in this case.

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Brief facts

2. The brief facts of the case as stated in the maintenance case filed by the petitioner is that the marriage of the petitioner was solemnized with the O.P on dated 30.09.2015 according to Muslim rites and customs and out of the said wedlock the petitioner was blessed with two children namely Altmas Ansari, aged about 7 years and Afifa Pravin aged about 2 ½ years who are petitioner no.1 and 2 in this case. It is further pleaded that after sometime of marriage, the O.P started talking to another girl on his mobile phone and when the petitioner objected she was assaulted by the O.P. The petitioner informed the matter to her in-laws due to which the O.P assaulted the petitioner and sent the petitioner and her two children to his house Bhel Chapra and the O.P started living at Nakched Tola. It is further pleaded that whenever the petitioner demanded maintenance the O.P and his family members tortured her and demanded dowry of Rs.2 Lakh from the petitioner. On dated 05.03.2024 due to non-fulfillment of dowry demand the O.P and his family members after assaulting the petitioner ousted the petitioner and her two minor children from her matrimonial home. It is further pleaded that the O.P has performed his second marriage with Tabassum @ Tannu and at present he is living with his second wife. The petitioner has no any source of income and she is facing difficulty to maintain herself and her two minor children whereas the O.P works as a senior compounder in Jivan Jyoti Nursing Home of Dr. Faizal Parwaz and earns Rs.30,000/- per month and apart from that he has poultry farm from which he earns Rs.25,000/- per month and he has one bigha agricultural land from which he earns Rs.50,000/- per annum.

3. After notice, the O.P appeared in this case and filed his show-cause admitting the marriage with the petitioner. The O.P further denied the allegation of cruelty and demand of dowry against the petitioner by himself and his family members. He further stated that the instant maintenance claim filed by the petitioner is not maintainable and is fist to be dismissed. He further denied the allegations made by the petitioner in her maintenance petition and further stated that he works as compounder and

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earns Rs.5,500/- per month and apart from that he has no any source of income. It is further stated that the petitioner is living at her parents house without any cogent reason.

Point for determination

4. Now the point for determination in this case is as follows:-
 - I. Whether the petitioner is entitled to any maintenance amount from the O.P?
 - II. If issue no.1 is decided in favour of petitioner then to what amount she is entitled for the maintenance?

Evidences and findings

5. In order to prove its case altogether three witnesses have been examined on behalf of the petitioner:

SL.No-	Name of Witnesses-	Nature of Witnesses-
P.W 1	Robina Khatoon	Petitioner herself.
P.W 2	Fezul Khatoon	Mother of the petitioner.
P.W 2	Rahman Mia	Father of the petitioner.

6. P.W No.1, Robina Khatoon, who happens to be the petitioner in this case and she deposed her evidence in examination-in-chief as the evidence on affidavit by supporting the claim as stated in her maintenance petition and in the cross-examination by the O.P she stated that she she got married with the O.P on dated 30.09.2015 and she is living at her parent house since 05.03.2024 and before that she was living at her matrimonial house in good condition. She further stated that she is graduate. She further stated that the O.P works as compounder in Jiwan Jyoti Nursing Home. She further stated that her husband her husband has one bigha land which is in the name of his husband and his ancestors. She further stated that her husband has performed his second marriage. She further stated that if her husband keeps her in well condition then she is ready to live with him.

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P.W.No.2, Fezul Khatoon, happens to be the mother of the petitioner and P.W.No.3, Rahman Mia, happens to be the father of the petitioner and they also deposed in the same line as stated by the petitioner in her examination-in-chief as well as in the cross-examination.

7. The O.P has also examined three witnesses on his behalf including himself.

SL.No-	Name of Witnesses-	Nature of Witnesses-
O.P.W 1	Momidan Nesha	Mother of the O.P.
O.P.W 2	Reyazul Haq	Father of the O.P.
O.P.W 3	Atiullah Ansari	O.P himself.

O.P.W.No.3, Atiullah Ansari, who happens to be the O.P in this case and he in his examination-in-chief stated in the same line as stated by him in his written statement and in his cross-examination when the petitioner's advocate showed a photograph to the O.P he said that the said photograph is of his second wife and further stated that he does not know the name of his second wife. The O.P further admitted that he has two children namely Altmas and Afifa Pravin. He further admitted that he is compounder and he has not taken the degree of compounder. The O.P further denied the suggestions that he earns Rs.25,000/- per month as senior compounder rather he earns Rs.5,500/- per month. The O.P also denied the suggestion that he has poultry farm from which he earns Rs.20,000/- to Rs.25,000/- per month and he has one bigha agricultural land from which he earns Rs.50,000/- per annum. The O.P further stated that his wife has filed a complaint case no.2269/2024 in which he gave an application for bail in the Hon'ble Patna High Court vide Cr.Misc.No.90813/2025 in which the Hon'ble Court passed an Order to give maintenance of Rs.15,000/- per month to the petitioner as well as to her two children. The O.P also denied the suggestion that he disobeyed the Order passed by the Hon'ble Court.

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O.P.W.No.1, Momidan Nesha, happens to be the mother of the O.P and O.P.W. No.2, Reyazul Haq, who happens to be the father of the O.P and and they also deposed in the same line as stated by the O.P in his examination-in-chief as well as in the cross-examination.

8. During pendency of this case the petitioner filed her affidavit regarding her assets and liabilities in which she stated the O.P earns Rs.40,000/- per month and he has additional income of Rs.3 Lakh per annum from agriculture. The O.P also filed his affidavit regarding assets and liabilities in which he stated that he is giving Rs.5,000/- per month to the petitioner by the Order of the Hon'ble Patna High Court. The O.P has also filed web copy of the Order passed by the Hon'ble Patna High Court on dated 18.01.2024 in Cr.Misc.No.80605 of 2023.

Argument

9. Learned counsel for the petitioner submitted that the petitioner is a housewife, she has no any source of income and she is living in her parents house along-with her two minor children. The O.P works as a senior compounder in Jivan Jyoti Nursing Home of Dr. Faizal Parwaz and earns Rs.30,000/- per month and apart from that he has poultry farm from which he earns Rs.25,000/- per month and he has one bigha agricultural land from which he earns Rs.50,000/- per annum, therefore, he has sufficient means and financial capacity to maintain the petitioner who is unable to maintain herself.

10. The learned counsel for the O.P submitted that the petitioner is a quarrelsome lady and she left her matrimonial home on her own taking away all her belongings, therefore, she is not entitled for maintenance. It is also submitted that the O.P is giving maintenance amount of Rs.15,000/- to the petitioner and her two minor children as per the Order passed by the Hon'ble Patna High Court in Cr.Misc.No.90813 of 2025.

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Decision with reasons thereon

11. The primary object of the provision of Section 125 of the Code is to prevent vagrancy and the provision of Section 125 of the Code provides a speedy remedy to the needy wife, children and parents who may not be left in a helpless state of distress, destitution and starvation. In-fact, it is the sacrosanct duty of the husband to render the financial support if he is able bodied. The petitioner is living at her parents house along-with her two minor children and no sufficient efforts have been made by the O.P to bring her back with him.

12. From the petitioner's evidence on record it transpires that the petitioner is legally wedded wife of the O.P and she is unable to maintain herself and as per the deposition of petitioner the O.P works as a senior compounder in Jivan Jyoti Nursing Home of Dr. Faizal Parwaz and earns Rs.30,000/- per month and apart from that he has poultry farm from which he earns Rs.25,000/- per month and he has one bigha agricultural land from which he earns Rs.50,000/- per annum. But, the petitioner has not produced any document regarding the income of O.P. Even-though, the petitioner is entitled for maintenance and it only remains to be decided as to what amount of maintenance to be given by the O.P to the petitioner.

13. The test for determination of maintenance in matrimonial dispute depends on the financial status of the O.P and the standard of living that the applicant was accustomed to in her matrimonial home. The maintenance amount awarded must be reasonable and realistic and avoid either of the two extremes i.e. maintenance awarded to the wife should neither be so extravagant which becomes oppressive and unbearable for the O.P, nor should be so meager that it drives the wife to penury. The sufficiency of the quantum has to be adjudged so that the wife is able to maintain herself with reasonable comfort.

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Conclusion

14. Considering the entire evidence on record and after hearing the argument of learned counsel for the petitioner, this court finds that the petitioner is legally married wife of the O.P and she is unable to maintain herself because she has no any definite source of income and she has been ousted from her matrimonial house by her husband and other family members and presently she is residing with her parents along-with her two minor children. The O.P is an able person and having sufficient means as it is stated by the petitioner that the O.P works as a senior compounder in Jivan Jyoti Nursing Home of Dr. Faizal Parwaz and earns Rs.30,000/- per month and apart from that he has poultry farm from which he earns Rs.25,000/- per month and he has one bigha agricultural land from which he earns Rs.50,000/- per annum. But the petitioner has not produced any documentary evidence regarding the income of O.P. However, it is admitted in the evidence of O.P that he is working as a senior compounder in Jivan Jyoti Nursing Home of Dr. Faizal Parwaz. It has also come in evidence of O.P that he is giving Rs.15,000/- per month to the petitioner and her two children as per the Order passed by the Hon'ble Patna High Court on dated 28.01.2026 in Cr.Misc.No.90813 of 2025. Moreover, from perusal of the evidence it is also found that the petitioner is living in her parents house along-with her two minor children, therefore, the petitioner is entitled for maintenance from the O.P.

Hence it is Ordered

ORDER

15. Hence, on the basis of above facts and circumstances, this maintenance case filed by the petitioner is, hereby, allowed and O.P- Atiullah Ansari is directed to pay Rs.10,000/- (Rupees Ten Thousand) per month to the petitioner, Robina Khatoon and Rs.2,500/- (Rupees Two Thousand and Five Hundred) each to her two minor children namely Altmas Ansari and Afifa Pravin who are petitioner no.1 & 2 in this case (total Rs.15,000/- (Rupees Fifteen Thousand) per month as maintenance amount from the

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date of filing of this case i.e., 26.10.2024. The maintenance amount shall be paid on 10th day of each month either in cash or in the bank account of the petitioner-wife if any. The O.P is also directed to pay Rs.5,000/- (Rupees Five Thousand) as litigation cost to the petitioner. The arrear of maintenance amount from the date of filing to the date of disposal of the case shall be paid within six months from today.

It has also come in the evidence that the O.P is giving Rs.15,000/- per month to the petitioner and her two children as per the Order passed by the Hon'ble Patna High Court on dated 28.01.2026 in Cr.Misc.No.90813 of 2025. If any amount paid by the O.P to the petitioner shall be set-off in the maintenance amount granted by this court.

(Dictated and corrected by me)

(Dictated)

Sd/-
(Esrar Ahmed)
Principal Judge, Family Court,
East Champaran, Motihari
26.05.2026

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