

**In the Court of Vikas Kumar Principal Judge, Family Court, Jamui.**

**Misc. Case No. 09/2021**

**Arising out of Maintenance Case no. 187M/2014**

**Date of order : 02.06.2025**

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----- ( O R D E R ) -----

A petition dated 27.03.2025 has been filed on behalf of O.P. Kamaldev Rai with a prayer to recall the order dated 17.12.2024 passed by this Court and give an opportunity to the O.P. to present his cause.

According to the O.P., he appeared with fresh vakalatnama in this Court on 21.11.2024 and a time petition was filed to grant sometime for filing the reply on the petition of the petitioner dated 03.03.2021. Later time was given to file the reply on the petition of the petitioner on 18.12.2024. On 18.12.2024 a reply was filed, which is on record. He became surprised that on 17.12.2024 itself order was passed showing that the O.P. did not file reply and after hearing only the petitioner's argument the order of enhancement of Rs. 11,000/- to be deducted from the salary of O.P. was passed and letter was issued. So in the interest of the justice it is necessary to hear the O.P. on his reply.

Petitioner did not file any written reply to the petition dated 27.03.2025 but he argued that the enhanced amount is in lieu of the arrears of payment which has not been made by O.P. so it is not an alteration in the maintenance amount. According to the Ld. Counsel for petitioner as per the statement of O.P. himself he is making payment from June 2015 but the order directs O.P. to make payment from the date of filing of maintenance petition. As per the statement of O.P. himself there is a due of Rs. 4,01,500/- till March 2025 and made payment of Rs. 4,24,500/- only. So there is a huge arrears due against O.P. Countering the argument of Ld. Counsel for petitioner, the Ld. Counsel for O.P. stated that the table of payment provided by him in the Court shows that he had to make payment of Rs. 4,01,500/- only but he has made extra payment as he has paid Rs. 4,24,500/-. Both the parties deposited documents in their support.

This Court finds from the bank statement of account provided by petitioner from the month of February 2022, that in the year 2022 O.P. deposited Rs. 3500/- per month only except for December 2022 in which he deposited Rs. 7,000/-. Similarly, in 2023 also O.P. deposited only 3500/- per month only in the account of petitioner. In 2024 also he deposited only Rs. 3500/- till August 2024. Thereafter he is depositing Rs. 7,000/- per month. This Court has also gone through the photostate copy of transactions provided by O.P. regarding the payment he made to petitioner. According to which from June to December 2015 O.P. has made payment

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of Rs. 3000/- per month only. From January to December 2016 he has made payment of Rs. 3000/- per month only. For the whole 2017, 2018, 2019, 2020, 2021, 2022, 2023, till August 2024 he has made payment of Rs. 3500/- per month and thereafter from September 2024 till March 2025 payment at the rate of Rs. 7000/- per month is made. So as per the document produced by the O.P. himself he has paid much less amount then that ordered by this Court, as this Court vide order dated 28.01.2020 have directed the O.P. to make payment to the applicant from the date of filing of maintenance petition at the rate of Rs. 7,000/- per month but the O.P. has been making payment from June 2015 and not from date of filing of maintenance petition, which is 2014. So there is huge amount of arrears which is above Rs. 4 lakhs due against O.P. So there is nothing wrong in the order dated 17.12.2024 by which this Court directed the concerned authority to deduct Rs. 11,000/- per month from the salary of the O.P. It is made clear that Rs. 7,000/- per month is to be deducted against the monthly maintenance amount and Rs. 4000/- per month is to be deducted against the huge amount of arrears of maintenance due against O.P. The said order of enhanced payment is not an alteration in maintenance amount under section 127 of Cr.P.C. or section 146 of BNSS. For the aforesaid reasons the petition dated 27.03.2025 is dismissed.

Put up on \_\_\_\_\_ for the payment of arrears by O.P.

**Dictated**

**Principal Judge, Family Court,  
Jamui**

**Dated: 02.06.2025**