

Present : Sushil Kumar,
Principal Judge, Family Court, Jamui
Date of Judgement:- 30.07.2026

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Maintenance Case No. 119M/2023

----- (Babita Devi @ Babita Kumari Vs. Ranjay Yadav) -----

IN,

THE COURT OF PRINCIPAL JUDGE, FAMILY COURT, JAMUI

Maintenance Case No. 119M/2023

DATE OF JUDGMENT : 30th July 2026

Babita Devi @ Babita Kumari, W/o Ranjay Yadav, D/o Ram Pd. Yadav,
aged about 29 years

R/o Village — Chakdiwan, P.S. — Sheikhpura, District—Sheikhpura.

At present residing at D/o Ram Prasad Yadav, Deevnagar, Tola Nagodih,
P.S. — Chandradeep, District Jamui..... **Petitioner.**

Versus

Ranjay Yadav S/o Naresh Yadav, age about 32 years

R/o Vill.— Chakdiwan, P.S & District—Sheikhpura..... **Opposite Party.**

Reference— U/s— 125 Cr.P.C

On behalf of the Petitioner— Sri Murlidhar Pandey, (Panel Advocate).

On behalf of the O.P.— None.

J U D G M E N T

1. This maintenance petition has been filed by the petitioner namely Babita Devi @ Babita Kumari against the O.P. Ranjay Yadav under section 125 of Cr.P.C. claiming Rs. 25,000/— per month as maintenance in her favour.

2. In brief, the case of the petitioner is that she was married to the opposite party on 02.06.2016 at district Jamui as per Hindu Rites and customs with the consent of both the parties. At the time of marriage, her father gave rupees one lakh in cash, one tola Gold Amulet, a Titan watch, Brass utensils and clothes, etc., as per his status. After marriage she went to her in-laws' house and started living a happy married life. Her mother-in-law, father-in-law, husband, sister-in-law, etc., together started

pressurizing her to demand Rs. 2 lakh and a motorcycle from her father as dowry, which she informed to her parents. On 10.10.2018, her father and brother along with other people went to the O.P to pacify the matter, where the O.P clearly told her father that unless he gives Rs. 2 lakh in cash and a motorcycle, he will not allow her to live at his house. Seeing her pitiable condition, they brought her with them and arranged Rs. 1.5 lakh for the opposite party. After receiving money the opposite party took her after Bidai on 25.03.2023. Keeping her well for 2 months, they again started beating her and took her belongings and on 10.06.2019, the O.P, his father, sister, and sister-in-law assaulted her and locked her in a room, and deprived her of food and water. Her mother-in-law also attempted to burn her by pouring kerosene oil on her but with the help of others she managed to escape and return to her parents' home. Since 2019 she is living with her parents. The opposite party or his parents have never visited her home. They do not inquire about her and threaten her to kill if she comes to her matrimonial home. She has also filed a case of dowry harassment but there has been no change in the behavior of opposite party. Opposite party works in the Food Supply Corporation and earns around Rs. 25,000/- per month but does not spend even a single rupee on her. She does not have any source of income. On the other hand O.P has a substantial amount of land and property generating an annual income of Rs. 2-3 lakh. He also owns 5 buffaloes and 5 cows and from sale of milk he earns approximately Rs. 20,000/- per month. So, she requires Rs. 25,000/- for her monthly expenses as maintenance.

3. The present maintenance petition was filed on 23.09.2023 and was admitted on 10.10.2023. Thereafter, notice was issued to O.P. The postal notice did not return unserved then presuming it to be validly served, this Court made an order for Gazette Publication in the Local

Newspaper. The O.P did not appear even after notice in newspaper and thus this Court proceeded ex-parte against him vide order dated 29.10.2024.

Thereafter the record was fixed for the recording of evidence on behalf of the petitioner and after conclusion of petitioner's evidence case was put up for passing final order.

4. Point for determination:-

- (I) Whether the court has jurisdiction to adjudicate this case?
- (II) Whether the petitioner is legally wedded wife and entitled to get maintenance from O.P.?

FINDINGS

5. The petitioner has adduced three witnesses in support of her claim.

- (I) A.W.-1- Babita Devi @ Babita Kumari, the petitioner herself.
- (II) A.W.-2- Ram Prasad Yadav, the father of the petitioner.
- (III) A.W.-3- Sunita Devi, the mother of the petitioner.

No document has been exhibited on behalf of petitioner.

6. **A.W.-1 Babita Devi @ Babita Kumari**, who is the petitioner of this case, filed her evidence by way of affidavit and stated that she was married to Ranjay Yadav (O.P) on 02.06.2016, according to Hindu Rites and Customs from her father's house. After marriage she went to her matrimonial house and lived well for a few days. Then her husband, father-in-law, other in-law's together started demanding Rs. 2 lakh from her. She told her husband that her father being a poor laborer, cannot afford the demanded money and a motorcycle upon which, they started harassing her. Her father being helpless, took a loan and gave Rs. 1,50,000/- to her husband, then her husband kept her well for a few

days. After few days, her husband again started beating her and one day her mother-in-law tried to burn her by sprinkling kerosene oil on her but she somehow saved her life by running away to her parental home and she is living in her parental home since 2021. Her husband is not giving her a single rupee for maintenance. Her father is labour class man and is unable to support her. On the other hand her husband is working in the Food Supply Corporation and earns Rs. 50,000 per month. He also earns selling milk. Thus he is capable to support her. So she needs Rs. 25,000/- per month from O.P for her maintenance so that she can support herself.

During examination by the Court, she stated that she has been separated from her husband for last 3-4 years. O.P assaulted her and ousted her from her matrimonial house. She has no children. She does not work. Her parents somehow support her. Her husband works as hawker at Dallu Chowk Biscoman. She does not know what he does now. She does not have complete information about his income but he used to bring home Rs. 600/- daily.

7. **AW.-2 Ram Prasad Yadav**, who is father of the petitioner of this case, has deposed on the same line as stated by A.W.1 without adding any other fact.

During examination by this Court, he stated that he has four daughters. Babita is his youngest daughter and she married his daughter in 2016. She has been with him for last four years. His daughter has no children. His son-in-law again used to demand money and a motorcycle and therefore he was forced to keep his daughter with him. His son-in-law does not take care or inquire about his daughter or give her any money. He works as a Hawker at the SCI Office in Sheikhpura, Chewara. He earns Rs.

1500-1600/- daily. His daughter does not do any work. I am maintaining my daughter.

8. **AW.-3 Sunita Devi**, who is the mother of the petitioner of this case, has deposed on the same line as stated by A.W.1 & A.W.2 without adding any other fact.

During examination by this Court, she stated that Sunita Devi is her daughter. She has no children. She has been living with her since the Lock-down. She was assaulted and ousted from the house. She is not educated. Her daughter is being maintained by them. Her son-in-law has 15 buffaloes and cows and he works as a hawker. He earns Rs. 1500-1600/- per day.

9. About the first question for determination whether the Court has jurisdiction to decide this case or not, this Court finds that the petitioner is presently residing at Deevnagar, Tola Nagodih, P.S. - Chandradeep, District Jamui at her parents' house, which lies within the territorial jurisdiction of this Court to decide the subject matter.

10. As regards second question of determination, in order to establish that the petitioner is entitled to maintenance under section 125 Cr.P.C. the following five ingredients have to be established (a) Relationship with the defendant / O.P as wife/ child/ father/ mother as the case may be (b) the factum of neglect (c) the ground for her residing separately, which should be reasonable and sufficient to make her entitled for the relief (d) Incapability of petitioner to survive on her own (e) Capability of defendant / O.P to make provision for the maintenance.

11. This Court finds from the statement of witnesses and photograph of marriage invitation card that the petitioner was married with

O.P. according to Hindu rites and customs on 02.06.2016. So, it is proved that petitioner is legally wedded wife of O.P.

12. This Court also finds from the case record and statement of witnesses that petitioner after marriage went to her in-laws' house and started living a happy married life. Thereafter, petitioner's in-laws together started pressurizing her to demand Rs. 2 lakh and a motorcycle from her father as dowry which she informed to her parents. Petitioner's father somehow managed to arrange Rs. 1.5 lakh and gave it to the opposite party. Then the opposite party took her after Bidai on 25.03.2023 and kept her well for 2 months. Her in-laws again started beating her and took her belongings and on 10.06.2019. The O.P, his father, sister, and sister-in-law assaulted her and locked her in a room and deprived her of food and water. Petitioner's mother-in-law also attempted to burn her by pouring kerosene oil on her but with the help of others she managed to escape and return to her parents' home. She is living with her parents since 2019 but opposite party or his parents have never visited her home and also threaten that if she comes to her matrimonial home then they will kill her. She has also filed a case of dowry harassment but there has been no change in the behavior of opposite party. All three witnesses have made more or less similar statements. There is no contrary evidence to disprove the evidence of petitioner. Hence the petitioner is able to prove that she was neglected by her husband and she was forced to live with her parents in her Maika as she was taunted and subjected to cruelty for demand of dowry.

13. As far as earning of applicant to survive on her own is concerned, all the witnesses have stated that the petitioner does not have sufficient means to maintain herself. Her parents are poor. Her parents are

anyhow maintaining her for the present. It proves that petitioner does not have sufficient means to maintain herself.

14. So far as capability of O.P to maintain applicant is concerned, according to the witnesses, O.P works in the Food Supply Corporation and earns Rs. 50,000/- per month and also earns selling milk. During examination by the Court AW1 stated that O.P works as hawker at Dallu Chowk, Biscoman and used to earn Rs. 600/- daily. AW2 during examination by the Court stated that O.P works as Hawker at the Food Supply Corporation Office in Chewara, Sheikhpura and earns Rs. 1500-1600/- daily. During examination AW3 stated that O.P has 15 buffaloes and cows and he works as a hawker. He earns Rs. 1500-1600/- per day. So, the witnesses are themselves not sure about the actual source of earning of O.P. There is no documentary evidence of earning of O.P. Hence, this Court is compelled to award maintenance to the applicant on the basis of minimum wages of unskilled manual labour as the earning of O.P. It was for the O.P to prove that he did not have sufficient means to maintain the petitioner but he has not appeared to discharge the said onus. It is evident that O.P is not suffering from any disability creating hindrance in his earning. Hence, O.P is duty bound to maintain his wife. Since O.P. is an earning person, he is legally and morally duty bound to maintain the petitioner.

15. As far as quantum of maintenance is concerned, since no any documentary proof either about earning or landed property of O.P. is produced, hence the maintenance amount is decided on the basis of minimum wages of unskilled manual labour.

Accordingly in the facts and circumstances and the nature of work in which O.P. is involved, i.e., being an unskilled labour, I am inclined

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to grant maintenance of Rs. 4000/- per month to the petitioner from the date of filing of the petition.

THEREFORE IT IS ORDERED AS

The O.P is directed to pay the Maintenance of Rs. 4000/- (Four thousand) per month to the petitioner from the date of the filing of this petition.

16. Further the O.P is directed to make payment of Rs. 5000/- to the petitioner as litigation expenses.

17. Defendant / O.P is directed to clear the arrears of maintenance within three months from today in equal installment and to furnish the monthly installment after the date of order by way of money order or by deposit in the bank account of the petitioner on furnishing the account number of the same on or before 10th day of each English calendar month.

Interim Order, if any, stands cancelled.

The petition stands disposed of accordingly. File be consigned to the record room.

Dictated & corrected

Principal Judge,
Family Court, Jamui
Dated: 30.07.2026

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Family Court, Jamui
Dated: 30.07.2026

Date of Judgment / Order	30.07.2026
Date of Reserving Judgment / Order	23.07.2026
Uploading Date	31.07.2026
Uploading by	Ajeet Rampravesh Singh (Steno)