

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Rev. No.662 of 2023

Binod Kumar Singh Petitioner
Versus
Smt. Sushma Devi and another Opposite Parties

CORAM : HON'BLE MR. JUSTICE SUBHASH CHAND

For the Petitioner : Mr. Vishal Kumar Tiwary, Advocate
For the OP : In person

04/11.10.2023 Learned counsel for the petitioner and opposite party in person are present.

2. Learned counsel for the petitioner is directed to supply the copy of the petition and other relevant documents during course of day to the opposite party who is present in person.

I.A. No. 8331 of 2023

3. This interlocutory application is with the prayer to stay the operation of the impugned judgment dated 28.04.2023 passed by the learned Principal Judge, Family Court, Ranchi in O.M. Case No. 142 of 2007.

4. The learned counsel for the petitioner has submitted that the learned Family Court while passing the impugned judgment has not assessed the income of the petitioner and without taking into consideration the income and the liabilities passed the impugned judgment of maintenance directing the petitioner to pay the maintenance to the opposite party nos.1 and 2 without recording any finding and simply stated that in view of the ITR in which the annual income of the petitioner Rs.2.4 lacs is shown, the petitioner has been directed to pay the maintenance amount.

5. It has also been further submitted that the wife is also getting family pension of her former husband and also getting the rent of the house but the same also was not taken into consideration and the petitioner has been directed to pay the amount of Rs.8,000/- for the wife and Rs.4,000/- for the child.

6. The opposite party who is present in person vehemently opposed the contentions made by the learned counsel for the petitioner and contended that certainly she is getting pension of her former husband and also receiving rent but keeping in view the liability to maintain the child who was born out

of the wedlock of her and the petitioner in this criminal revision, the amount awarded by the learned court below is proper and the impugned order passed by the learned court below needs not to be stayed.

7. From the perusal of the impugned judgment passed by the court below it is found that the learned court below has not framed any point of determination in regard to the income of the petitioner-husband and on the point of quantum has directed the maintenance to be paid by the petitioner simply on the basis of the ITR.

8. In view of the above, I.A. No. 8331 of 2023 deserved to be allowed.

9. Accordingly, I.A. No. 8331 of 2023 is allowed.

10. The operation of the impugned order so far as the maintenance directed to be paid to the wife is concerned, same is stayed but the petitioner shall continue to pay the maintenance amount to the child till further order passed by this Court in the criminal revision.

Criminal Revision No. 662 of 2023

11. Admit.

12. The office is directed to call for the scanned copy of the lower court records.

13. List for hearing on 22.11.2023.

(Subhash Chand, J.)