

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Revision No.662 of 2023

Binod Kumar Singh, Aged about 49 years, Son of Sri Shubh Karan
Singh, Resident of Sarowar Nagar, Devi Mandap Road, P.O.:
Hehal, P.S.: Sukhdeonagar, District: Ranchi.

... Petitioner

Versus

1. Smt. Sushma Devi, W/o Binod Kumar Singh
2. Prateek Kumar, S/o Binod Kumar Singh (represented through
his mother Smt. Sushma Devi, D/o- Bajrang Singh,
Both R/o Radhanagar, Pandra, P.O.- Hehal, P.S.:
Sukhdeonagar, District: Ranchi.

... Opposite Parties

For the Petitioner : Mr. Vishal Kumar Tiwary, Advocate
Mr. Amit Kumar, Advocate
Mr. Manjeet Kumar Chaudhary, Advocate
Md. Imran Beig, Advocate
For the O.P. No.1 : In Person

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:- Heard the parties.

2. This Criminal Revision has been filed invoking the jurisdiction of this Court under Section 19(4) of the Family Courts Act, 1984 challenging the order dated 28.04.2023 passed in Original Maintenance Case No.142 of 2007 by Family Court, Ranchi whereby and where under the learned trial court has granted maintenance of Rs.8,000/- to the opposite party No.1 and Rs.4,000/- to the opposite party No.2 being the wife and son respectively of the petitioner from the date of filing of that case i.e. from 21.11.2007.

3. Learned counsel for the petitioner submits that the undisputed fact remains that opposite parties herein filed the petition under Section 125 of Cr.P.C. on 21.11.2007 claiming a maintenance of Rs.2,000/- for the opposite party No.1 and 1,500/- for the opposite party No.2. In para-13 of the Original Maintenance Case No.142 of 2007, the opposite party Nos.1 and 2 herein who were the petitioner Nos.1 and 2 respectively disclosed the income of the petitioner herein to be Rs.10,000/- besides Rs.800/- as house rent, besides the paternal property in his house. It is next submitted that since admittedly, the petitioner filed the petition under Section 125 of Cr.P.C. for an amount of Rs.3,500/-, the Family Court, Ranchi has committed a grave illegality by allowing a sum of Rs.12,000/- as maintenance to the opposite parties herein at a rate much more than the admitted income of the petitioner since 21.11.2007. It is further submitted that this case was earlier before this Court in Criminal Revision No.20 of 2021 with Criminal Appeal (S.J) No.492 of 2016 both filed by the petitioner. Criminal Revision No.20 of 2021 was filed against the judgment dated 15.12.2020 passed in Original Maintenance Case No.142 of 2007 under Section 125 of Cr.P.C. by the Family Court, Ranchi whereby and where under the petition filed by the opposite parties was allowed and the petitioner was directed to pay maintenance of Rs.6,000/- per month to the opposite party No.1 and Rs.4,000/- per month to the opposite party No.2 and direction was also made to pay arrear of maintenance within four months. The Criminal Appeal (S.J) No.492 of 2016 was filed challenging the order dated 06.04.2016 whereby and where under the petition dated 19.03.2016 filed by the petitioner herein for initiating a proceeding under Section 340 of Cr.P.C. has been rejected. The Co-ordinate Bench of this Court by the common order dated 05.12.2022 set aside the order impugned in the earlier Criminal Revision and directed the Family

Court to fix the quantum of maintenance of the opposite party Nos.1 and 2 herein in the light of the judgment passed by the Hon'ble Supreme Court of India in the case of **Rajnesh vs. Neha & Another** reported in **(2021) 2 SCC 324** and thereafter, the impugned order of this Criminal Revision, has been passed by the Family Court, Ranchi. Hence, it is submitted that the impugned order be quashed and set aside as the quantum of maintenance awarded is on higher side.

4. Opposite party No.1 appearing in-person defends the impugned judgment passed by the Family Court, Ranchi and drawing attention of this Court to the counter-affidavit filed by her, submits that though in the impugned order, the Family Court has granted maintenance to the opposite party No.2 till he attains the age of majority but the order be modified by granting maintenance even after he has attained the age. Hence, it is submitted that this Criminal Revision, being without any merit, be dismissed.

5. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, it is pertinent to mention here that the petitioner moved the Hon'ble Supreme Court of India by filing Special Leave Petition (Criminal) Diary No.26731 of 2023 against challenging the order dated 05.12.2022 passed in Criminal Revision No.20 of 2021 by the High Court of Jharkhand, Ranchi but the Special Leave Petition was disposed of by the Hon'ble Supreme Court of India observing that the Hon'ble Supreme Court of India sees no reason to interfere with the order impugned before it. It is pertinent to mention here that thus the order passed by the Co-ordinate Bench of this Court in Criminal Revision No.20 of 2021 with Criminal Appeal (S.J) No.492 of 2016 has attained finality.

6. In compliance of the said order passed by the Co-ordinate Bench of this Court in Criminal Revision No.20 of 2021, affidavit was called for by the Family Court. The opposite party No.1 stated that she is getting family pension of her ex-deceased husband amounting to Rs.27,300/- per month who was employed in Border Security Force (B.S.F.) and getting rent of Rs.8,000/- per month from flat at Kusum Bihar, Morabadi, Ranchi, she has deposited Rs.40,000/- in mutual fund, she has her own house at Ranchi and she has a Scooty purchased in the year 2009, current value of which was Rs.8,000/- at the time of filing of such affidavit and she disclosed that the monthly income of the petitioner, who is working as an Advocate in the High Court of Jharkhand and the Hon'ble Supreme Court of India, is Rs.3,50,000/-. The petitioner was a State Counsel under the State of Jharkhand in the High Court of Jharkhand earlier. The petitioner is having his own accommodation at Harmu Housing Colony; he has landed property in the name of his wife in Chatra district of the State of Jharkhand and the petitioner herein is having his own office at Devi Mandap Road, Ranchi in the name of his spouse and also having a 3-BHK Flat at Ranchi which was purchased at a cost of Rs.47,00,000/-. Further, the petitioner is having a Maruti Ciaz Car and Scooty and also having another house at Ranchi and 10 decimals of land at Ranchi along with other properties.

7. About himself, the petitioner stated that during the Covid-19 period, he had no income and the petitioner is mentally perturbed because of facing litigation in Civil Court, Ranchi, instituted by the opposite party No.1 herein. The Family Court, Ranchi considered that the petitioner herein has not whispered about his income or entire assets and liabilities in his affidavit but considered that the undisputed fact remains that the petitioner has filed his income tax return in the year 2021-22 for Rs.2,14,000/- and on the basis of the

same, the Family Court came to the conclusion that opposite party is a man of means and awarded the said maintenance.

8. It is pertinent to mention here that it is a settled principle of law that a woman who is constrained to leave the marital home, should not be allowed to feel that she has fallen from the grace and move hither and thither arranging for sustenance. As per law, a wife is entitled to live a life in the similar manner as she would have lived in the house of her husband, and that is where the status and strata of the husband comes into play and that is where the legal obligation of the husband becomes a prominent one. As long as the wife is held entitled to grant of maintenance within parameters of Section 125 of Cr.P.C., it has to be adequate so that she can live with dignity as she would have lived in her matrimonial home as has been observed by the Hon'ble Supreme Court of India in the case of **Shamima Farooqui vs. Shahid Khan** reported in (2015) 5 SCC 705.

9. It is a settled principle of law that the quantum of amount to be awarded as maintenance in the discretion of the Magistrate as has been held by the Hon'ble Supreme Court of India in the case of **Manoj Yadav vs. Pushpa @ Kiran Yadav** reported in (2011) 1 Crimes (SC) 210. The Hon'ble Supreme Court of India in the case of **Amarendra Kumar Paul vs. Maya Paul & Others** reported in (2009) 8 SCC 359 has held that minor children in whose favour the maintenance was awarded can no more get it after attaining majority.

10. Now coming to the facts of the case, the undisputed fact remains that the case had been pending from 21.11.2007 to 28.04.2023, before the Family Court, Ranchi. During this period, no amount was paid by the petitioner to the opposite parties herein but keeping in view that admittedly, the total income of the petitioner was Rs.10,800/- apart from the income from his paternal

property, the quantum of which was not disclosed in the petition filed for maintenance and the maintenance amount claimed by the opposite parties herein who were the petitioner of the Original Maintenance Case No.142 of 2007 of the Family Court, Ranchi was Rs.2,000/- for the opposite party No.1 and Rs.1,500/- for the opposite party No.2 herein, this Court is of the considered view that the amount of arrear maintenance of Rs.12,000/- per month from 21.11.2007 appears to be excessive but the amount of maintenance of Rs.12,000/- per month from 28.04.2023 seems to be proper keeping in view the undisputed fact that the petitioner has filed income tax return in the year 2021-22 for Rs.2,14,000/-, which period as per the petitioner was a lean period during Covid-19 when his income was at its low. The awarding of maintenance of Rs.8,000/- to the opposite party No.1 herein wife and Rs.4,000/- to the opposite party No.2 herein who is the son of the petitioner; in the considered view of this court cannot be termed to be excessive one or illegal exercise of discretion vested upon the Family Court under Section 125 of Cr.P.C. warranting interference of this Court in its revisional jurisdiction.

11. Accordingly, the order dated 28.04.2023 is modified so far as arrear of maintenance is concerned by reducing the quantum of arrear maintenance from 21.11.2007 to 31.12.2015 to at the rate of Rs.2,000/- per month to the opposite party No.1 and Rs.1,500/- per month to the opposite party No.2 herein i.e. in total Rs.3,500/- per month. But, the arrear maintenance from 01.01.2016 onwards as ordered by the Family Court is maintained at the rate of Rs.8,000/- per month for the opposite party No.1 and Rs.4,000/- per month for the opposite party No.2 till he attains the age of majority.

12. So far as contention of the opposite party No.1 herein regarding the order for maintenance having been granted to the opposite party No.2 even

after he attains the age of majority is concerned, the same is in terms of Section 125 of Cr.P.C. because Section 125 of Cr.P.C. in no uncertain manner provides for passing for orders for maintenance to the wife and minor child unless of course, if a child is male child, such child because of any physical or mental abnormality or injury unable to maintain himself. Hence, on this score also, in the considered opinion of this court, learned Family Court, Ranchi has not committed any illegality either.

13. In view of the discussion made above, this Criminal Revision is disposed of with the modification of the order dated 28.04.2023 passed in the Original Maintenance Case No.142 of 2007 by Family Court, Ranchi to the aforesaid extent only.

14. Accordingly, the interim relief granted earlier vide order dated 11.10.2023 is vacated.

15. Registry is directed to intimate the court concerned forthwith.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 11th of July, 2025
AFR/ Saroj