

IN THE HIGH COURT OF JHARKHAND, RANCHI

Cr. Revision No. 1036 of 2023

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] Petitioner(s)

-- Versus --

[REDACTED]
[REDACTED]
[REDACTED] ar,
District Patna, Bihar, Pin-800016 Opp. Party

With

Cr. Revision No. 570 of 2023

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] Petitioner(s)

-- Versus --

- 1.The State of Jharkhand
- 2 [REDACTED]
[REDACTED]
[REDACTED]

..... Opp. Parties

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner(s) :- Mr. Nikhil Ranjan, Advocate
For the State :- Mr. Achinto Sen, Advocate

For the O.P.No.2 :- Mrs Vani Kumari, Advocate

08/02.02.2026 **Cr. Revision No.1036 of 2023**

In this petition, the wife has approached this Court for enhancement of maintenance amount allowed by the learned Family Court, Ranchi in Original Maintenance Case No.89 of 2015 in view of that the challenge has been made in the present petition of order dated 21.02.2023 passed in the said Original Maintenance Case whereby the learned court has directed the sole opposite party to pay the composite sum of Rs.24,000/- per month from the date of application under section 125 Cr.P.C.

Cr. Revision No.570 of 2023

2. The husband has challenged the said order for quashing of the order passed by the learned Family Court, Ranchi, in Original Maintenance Case No.89 of 2015.

3. The learned counsel for the petitioner submits that the marriage between the petitioner and the opposite party was solemnized on 27.06.1985 according to Hindu rights and customs at Danapur, Patna, in presence of the relatives and friends and well wishers and the family members and that was arranged marriage and they were living happy married life. At the time of marriage, the husband has completed his MBBS degree and was doing internship

and husband has also did his M.D in Medicine and the wife has completed her B.Ed after her marriage and in this way, they were living their happy married life. He next submits that after sometime the husband has qualified in Bihar Public Service Examination and has joined Government job and he took the leave and went Saudi Arabia along with the wife and stayed there for six years and at that place, the relationship between the husband and wife was not cordial and thereafter the problem started. He next submits that the cause of action has arisen in the year 2006 with the wife had to leave the house of her husband and has continued till filing of the petition and many times both have entered in hot altercation and the husband has passed degrading remarks against his wife and at one time, the husband has become so angry that he has slapped her wife and, in that situation, the wife has left the matrimonial house and she was pulling her life somehow. He then submits that after sometime, the wife has again come back to Patna to meet her family members, especially, her daughters, but the situation was completely changed and the children were brain-washed and they were reluctant to live along with their mother and she has finally come to Ranchi for residing without any help from her husband. In the months of February, 2014, the elder daughter namely, Snehi has got married and, in that ceremony, the wife was not invited to

attend the marriage. Lastly, the wife has taken the matter to the Mahila Aayog, Ranchi, for maintenance against the opposite party/ husband on 07.04.2014 but the husband even did not bother to appear before the investigating officer in spite of the registered notice and thereafter the Mahila Aayog has suggested the wife to raise the matter before the appropriate forum and in that background, the wife has filed the petition under section 125 Cr.P.C in the Family Court, at Ranchi.

4. Learned counsel for the petitioner further submits that the husband is a renowned neuro physician at Patna having his clinic named, Bir Bharti Clinic at Saidpur Nala, near Rajendra Nagar Stadium, Patna and his monthly income is more than 3 lacs and, in this background, she has prayed, in that petition to grant maintenance of Rs.60,000/- per month to her.

5. Learned counsel for the petitioner further submits that the learned court has been pleased to allow Rs.24,000/- per month to wife by the impugned judgment, however, that amount is not sufficient in light of the status of both the parties. He next submits that the learned court has only taken into consideration the income tax return in allowing the said maintenance, however, the learned court has not taken into account the other property and income of the husband and has granted a meagre amount. In this back

ground, he submits that the impugned order may kindly be modified and the maintenance amount may kindly be enhanced.

6. On the other hand, the learned counsel appearing on behalf of the husband, submits that earlier interim maintenance of Rs.15,000/- was allowed by the learned court which was being paid by the husband. She also submits that Rs.24,000/- per month has also been paid in light of the order of Family Court with effect from the date of application. She next submits that the husband has also filed the divorce case being Original Maintenance Case No.189 of 2017 and the said divorce case has been decided on 05.05.2025 which was allowed in favour of the husband and the husband has been directed to pay a lumpsum permanent alimony of Rs.20 lacs to the wife through Demand Draft within six months from the date of passing of the said judgment. She next submits that pursuant to that judgment, the husband has already deposited Rs.20 lacs before the Family Court, Ranchi. In course of argument the learned counsel for the appearing for the husband has produced the certified copy of the petition dated 03.11.2025 filed before the learned Family Court, Ranchi and the said petition is taken on record and in the said petition it has been stated that Rs.20,00,000/- has already been deposited before the learned concerned court. She next submits that till date, the husband has paid Rs.30 lacs to the wife being

maintenance amount. She also submits that two of the daughters have been taken care of by the husband and the studies of both the daughters were taken care of by the husband and even marriage of the elder daughter was solemnized by the husband. She next submits that since the divorce has already been granted and one time alimony has also been deposited, now the remedy of the petitioner is to challenge the permanent alimony. On these grounds, she submits that the impugned order may kindly be set aside.

7. In view of the above submission of the learned counsels appearing on behalf of the parties, the Court has gone through the materials on record. The wife has brought the evidence before the learned Family Court, Ranchi, to the effect that her husband has income of Rs.3 to 4 lacs per month as he is a medical practitioner and a famous neuro physician at Patna, and he has received Bharat Jyoti Award in light of Exhibit-10. She has also stated that the husband runs a clinic and a neuro lab named as Bir Bihari Clinic and Nursing Home, however, she has not been able to bring sufficient cogent and reliable evidence on the basis of which the learned court was not able to appreciate that fact. The learned court has inferred that some receipt and medical prescription has been brought on record by the wife to show that husband is still a practicing doctor. The husband has tried to show before the learned court that he is

not a medical professional after 2014 and having no source of income and he is dependent upon his daughters and anyhow he earns only Rs.70,000/-, however, he has admitted in paragraph nos.90 and 97 of cross examination that he is still in medical profession. The Income tax return of the year 2021-2022 was considered by the learned court and the learned court has found that his income has gradually increased, however, he has tried to demonstrate before the learned court that he is having less income. The document before the learned court was also brought by the wife to suggest that he was having four cars in the year 2004-2005 and 2006 and he was also the member of Club while his income tax return in the year 2005-06 was only Rs.1,56,250/-. Considering all these aspects and the trauma being faced by the wife and considering that she has got no income, the learned court has been pleased to allow a sum of Rs.24,000/- per month in favour of the wife.

8. It is strange, that a petition under section 125 Cr.PC was filed in the year 2015 which has been decided in the year 2023 which prima facie suggest that in the case in hand the proceeding before the learned Family Court was conducted without being alive to the objects and reasons of the Family Courts Act and the spirit of the provisions of Section 125 of the Cr.P.C. The Hon'ble Supreme

Court in number of decisions has observed that, the proceeding under section 125 Cr.P.C are of summary nature and are intended to prevent vagrancy and destitution. Section 125 Cr.P.C was conceived to ameliorate the agony, anguish, financial suffering of a woman who left her matrimonial home for the reasons provided in the provisions so that some suitable arrangements can be made by the court and she can sustain herself and also her children if they are with her. The concept of sustenance does not necessarily mean to lead the life of an animal, feel like an unperson to be thrown away from grace and roam for her basis maintenance somewhere else. She is entitled in law to lead a life in the similar manner as she would have lived in the house of her husband. That is where the status and strata come into place, and that is where the obligations of the husband, in case of a wife, become a prominent one. In a proceeding of this nature, the husband cannot take subterfuges to deprive her of the benefit of living with dignity. Regard being had to the solemn pledge at the time of marriage and also in consonance with the statutory law that governs the field, it is the obligation of the husband to see that the wife does not become a destitute, a beggar. A situation is not to be maladroitly created whereunder she is compelled to resign to her fate and think of life "dust unto dust". It is totally impermissible. In fact, it is the sacrosanct duty to render

the financial support even if the husband is required to earn money with physical labour, if he is able-bodied. There is no escape route unless there is an order from the court that the wife is not entitled to get maintenance from the husband on any legally permissible grounds.

9. The learned court while deciding the maintenance in favour of the wife in Original Maintenance Case No.89 of 2015 has taken care of liability of both the side.

10. It is an admitted position that when the daughters have been maintained by the husband and elder daughter's marriage has also been solemnized by the husband and it has been pointed out in course of argument that younger daughter's marriage has to be done by the husband and for that, money is also required, as has been argued by the learned counsel appearing for the husband.

11. Now, divorce case filed by the husband being Original Suit No.198 of 2017 has been decided by the judgment dated 05.05.2025 whereby the divorce has been granted and husband has been directed to pay Rs.20 lacs as permanent alimony and pay the same by way of Demand Draft within six months from the date of passing of the judgment, otherwise, dissolution of marriage was directed not to be effected. It has been pointed out by the learned counsel appearing on behalf of the husband that the said Bank Draft

of Rs.20 lacs has already been deposited before the learned Family Court, Ranchi, however, the wife has not withdrawn the same.

12. It is open to the wife to take/withdraw the said amount deposited, if so advised, before the learned Family Court, Ranchi.

13. Considering the legal provision of Section 125 Cr.PC and the trauma of the wife and further considering the income of the husband, the learned court has already allowed Rs.24,000/- per month in favour of wife. It appears that the learned court has rightly allowed the said amount in favour of the wife, and in view above, that order is maintained. As such, Criminal Revision No.1036 of 2023 is dismissed.

14. In this background, considering the income of the husband, the learned court has rightly passed the order. There is no illegality in the order of the learned court and as such, the petition filed by the husband being Cr.Revision No.570 of 2023, is, hereby, also dismissed.

15. Pending petition, if any, also stands disposed of.

(Sanjay Kumar Dwivedi, J.)

Dated : 02nd February, 2026
SI/ **A.F.R.**

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