

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 726 of 2014

Rajendra Yadav Petitioner
Versus
Meera Devi Opposite Party

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner : Mrs. M.M. Pal, Sr. Advocate
For the Opposite Party : None

12/Dated: 20/12/2019

The instant application has been preferred by the petitioner-husband against the judgment dated 19.06.2014, passed by the learned Principal Judge, Family Court, Koderma in Maintenance Case No.51/2009, whereby the learned Family Court has directed the petitioner-husband to pay Rs.5,000/- per month as maintenance to the opposite party-wife.

The learned senior counsel for the petitioner confines her argument on the point of reducing the maintenance amount. She further submits that during the pendency of the Maintenance Case No.51 of 2009, filed before the learned Principal Judge, Family Court, Koderma, the matter came before this Court against the order of ad-interim maintenance in Cr. M.P. No.783/2012, wherein this Hon'ble Court has directed the petitioner to pay Rs.3,750/- per month to the opposite party-wife instead of Rs.5,000/- which was awarded by the learned Principal Judge, Family Court, Koderma.

Learned senior counsel further submits that at the time of passing of ad interim maintenance order, the petitioner was in service and now he has retired from service since 31.08.2017 and he is getting a lump-sum amount of pensionary benefit. She further submits that initially the daughters of the parties were unmarried and were residing with O.P.-wife and at that time opposite party's requirement was much for meeting the expences of the daughters, however, now since they are married, the opposite party-wife does not require much amount. Relying upon the aforesaid contention, the learned senior counsel submits that the amount of maintenance may be reduced from Rs.5,000/- to Rs.3,750/-.

Nobody appears for the opposite party-wife.

After going through the impugned order, it appears that this Court, way back in 2012 in Cr. M.P. No.783/2012, has modified the order of learned Principal Judge, Family court, Koderma by reducing the ad-interim maintenance allowance from Rs.5,000/- to Rs.3,750/- per month. Looking to the facts and circumstances, especially when the petitioner has retired from service and he is getting monthly pension only and the opposite party is also living alone and certainly her expenses has been reduced because of the marriage of their daughters, I, hereby, reduce and modify the maintenance amount from Rs.5,000/- to Rs.3,750/- per month.

It is made clear that the entire arrears of maintenance allowance shall be paid by the petitioner to the opposite party-wife within a period of 4 months from today, if not paid and continue to pay the maintenance allowance regularly @ Rs.3,750/- per month.

With this modification, the instant revision application is disposed of.

(Deepak Roshan, J)

Pramanik/