IN THE HIGH COURT OF JHARKHAND AT RANCHI Cr. Revision No. 362 of 2022

Mithun Nonia @ Mithun Mahto Petitioner Versus

1. The State of Jharkhand

2. Dukhni Devi

3. Aayush Kumar

4. Sanchi Kumari

5. Salouni Kumari Opp. Parties

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Petitioner : Mr. Manoj Kumar, Advocate For the State : Mr. Manoj Kumar Mishra, A.P.P. For the O.P. Nos.2-5 : Mr. Gautam Kumar, Advocate

> Ms. Savita Kumari, Advocate Ms. Puspanjali Kumari, Advocate Mr. Ashutosh Kumar Singh, Advocate

Order No.16 Dated: 28.06.2024

- 1. This criminal revision petition is preferred against the order dated 08.09.2021 passed in Original Maintenance Case No.190 of 2017 by which maintenance of Rs.3000/- has been awarded in favour of the wife of the petitioner and Rs.1000/- each to his three children.
- 2. It is submitted by learned counsel on behalf of petitioner that from the impugned order itself, it will be apparent that as per the pleading and evidence, the petitioner was daily wage labour. No oral or documentary evidence has been stated in the impugned order to justify maintenance of Rs.6000/- which has been saddled on the petitioner. On the contrary, learned trial court has noted in para 7 that the petitioner was daily wage labour earning Rs.300/- per day. Taking this to be the daily wage of the Petitioner, his monthly income will work out to Rs.7500/-, taking 25 working days each month.
- 3. Learned counsel on behalf of opposite party nos.2-5 defends the impugned order. It is argued that petitioner is earning a monthly income of Rs.20,000 Rs.25,000/- from labour work as well as contract works.
- 4. Having considered the submissions and on perusal of the materials on record, it is undisputed that the petitioner was working as labour with Rs.300/-per day wages. It has also been stated that he was also earning by labour and contract works. The assessment of income of labour, considering the seasonal

nature of work and the wages being paid, appears to be excessive and unrealistic. In cases, where unrealistic high maintenance is awarded in cases of persons employed in unorganized sector, the realization of maintenance amount itself becomes a problem.

Under the circumstance, the maintenance awarded in favour of wife is reduced to Rs.2000/- and there will be no interference in the maintenance as awarded in favour of minor children.

Criminal Revision petition is accordingly, disposed of.

(Gautam Kumar Choudhary, J.)

Anit