

Court No. - 39

Case :- FIRST APPEAL No. - 1153 of 2023

Appellant :- Amarjeet Singh

Respondent :- Ranjna Singh And 2 Others

Counsel for Appellant :- Ishwar Kumar Upadhyay

Hon'ble Saumitra Dayal Singh,J.

Hon'ble Shiv Shanker Prasad,J.

1. Heard Shri Manoj Kumar Singh, Advocate, holding brief of Shri Ishwar Kumar Upadhyay, learned counsel for the appellant and perused the record.

2. Present appeal has been filed under Section 19 of the Family Courts Act, 1984, arising from the order dated 17.07.2023, passed by learned Principal Judge Family Court, Ballia, referable to Section 24 of Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') providing for interim maintenance @ 4000/- per month to the respondent/wife from the date of order and also providing for one time legal expense, Rs. 3000/-.

3. Having heard learned counsel for the appellant and having perused the record, we find no good ground to offer any interference in the present appeal. In the first place, it is undisputed that the appellant is an able bodied citizen who may be presumed to have been earning about Rs. 12,000/- by performing manual labour. Second, in the context of the matrimonial discord situation where the respondent/wife is not shown to have any independent source of income, certain minimal amounts have to be provided by the present appellant to ensure preservation of life and liberty of the respondent, with minimal dignity.

4. Seen in that light, the order providing for interim maintenance @ Rs. 4000/- per month that too from the date of the order and not from the date of application is found to be wholly just and proper. The quantum of the amount is also reasonable as may not merit any further consideration by this Court. Also, the award of one time legal expense, Rs. 3000/- is wholly minimal as may not call for any interference by this Court.

5. As to the last submission advanced by learned counsel for the appellant that the appellant is paying Rs. 3000/- per month to the respondent under another order passed under Section 125 Cr.P.C, it is always open to the appellant to seek adjustment of that amount against the amount awarded under the impugned order. Thus, if the appellant is able to establish before the learned court below that he is paying Rs. 3000/- per month to the respondent under Section 125 Cr.P.C., from July, 2023, he would be entitled to adjustment of that amount against the interim maintenance awarded @ Rs. 4000/- per month under the impugned order dated 17.07.2023.

6. Leaving that course open to the appellant, the present appeal stands *disposed of*.

Order Date :- 31.10.2023

SA

(Shiv Shanker Prasad, J.) (S.D. Singh, J.)