

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 10596 of 2023

Petitioner :- Deo Prakash Singh

Respondent :- Smt Vineeta And Another

Counsel for Petitioner :- Sudhakar Singh

Hon'ble Prakash Padia,J.

1. Heard learned counsel for the petitioner and perused the record.
2. In view of the order proposed to be passed herein, no useful purpose would be served by putting the opposite party to notice and keeping this petition pending before this Court. However, in case the opposite party feels aggrieved by the order his/her right to seek modification/variation of the order is being kept reserved.
3. The petitioner has preferred the present petition under Article 227 of the Constitution of India with the prayer to quash the order dated 27.07.2023 passed by the Additional Principal Judge, Family Court No.3, Deoria in Case No.238 of 2022 (Deo Prakash Vs. Vineeta) filed under Section 24 of Hindu Marriage Act 1955.
4. It is argued by learned counsel for the petitioner that the petitioner is husband and unemployed person but without considering the same, a direction has been given to pay Rs.5,000/- per month to the respondent as interim maintenance. It is argued that the petitioner is not in a position to pay the aforesaid amount.
5. Considering the facts and circumstances of the case and in the interest of justice, the order dated 27.07.2023 passed by the Additional Principal Judge, Family Court No.3, Deoria is modified to the extent that the petitioner is directed to pay Rs.4,000/- per month in place of Rs.5000/- per month to the respondent from the date of order, i.e., 27.07.2023.

6. In case, the petitioner will make default in payment of the aforesaid amount per month, this order stands automatically vacated and the respondent is free to proceed with the matter in accordance with law.

Order Date :- 21.11.2023

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