

Court No. - 39

Case :- FIRST APPEAL No. - 1219 of 2023

Appellant :- Rajesh Srivastava

Respondent :- Anjali Srivastava

Counsel for Appellant :- Ramkripal Yadav

Hon'ble Saumitra Dayal Singh,J.

Hon'ble Shiv Shanker Prasad,J.

1. Heard Sri Ramkripal Yadav, 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 21.08.2023 passed by the learned Principal Judge, Family Court, Chandauli in Petition No. 255 of 2021 (Rajesh Srivastava Vs. Anjali Srivastava) with reference to its power under Section 24 of the Hindu Marriage Act, 1955 (hereinafter referred to as the 'Act'), the learned court below has provided for interim maintenance to the respondent @ Rs. 2,000/- per month from the date of that order.

3. Having heard learned counsel for the appellant and having perused the record, while quantification of the interim maintenance does not merit any interference and the impugned order does not require any modification as the maintenance amount has been awarded from the date of the order. As to the further submission advanced by learned counsel for the appellant that the appellant is paying to the respondent @ Rs. 6,000/- per month under another order passed by the learned Principal Judge, Family Court, Chandauli dated 22.08.2022 under Section 125 Cr.P.C., we leave it open to the appellant to file appropriate application before the learned court below to establish that he has complied with the earlier order dated 22.08.2022. If such fact is established and there is no default in payment of maintenance amount @ Rs. 6,000/- per month, by the appellant, needless to add, the amount awarded @ Rs. 2,000/- per month to the respondent under Section 24 of the Act shall stand subsumed in the higher amount of Rs. 6,000/- per month.

5. With the above observation, present appeal is **disposed of**.

Order Date :- 7.11.2023

Abhilash

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