

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.254 of 2012

=====

Gopal Kumar Rastogi, S/o Dr. Mani Lal Rastogi, R/o Dr. B.B.Ghosh Lane,
Motijheel, P.S. Town Thana, Town and District - Muzaffarpur

.... Appellant

Versus

Suman Rastogi @ Rinku, W/o Gopal Kumar Rastogi, R/o Mohalla - Nala Road
(R.K. Avenue), Near Mahabir Asthan, P.S. Kadam Kuan, Town and district - Patna

.... Respondent

=====

Appearance :

For the Appellant : Mr.

For the Respondent : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE V.N. SINHA)

Date: 11-05-2015

This appeal stood dismissed for default for non-compliance of the order of this Court dated 30.10.2012, whereafter the appeal was again restored directing the appellant to remove the defects by 23.03.2015. Even after restoration of the appeal defects were not removed until 23.03.2015. In the circumstances, the appeal has again been dismissed for default. Registry, however, has put up office-note dated 08.05.2015 asking the Bench to clarify whether the appeal stood dismissed for default. While considering the office-note we also went through the impugned order wherefrom it appears that divorce case filed by the appellant husband was allowed and the

marriage between the appellant, his wife respondent was dissolved granting the wife maintenance of Rs. 4,000/- per month, Rs. 1500/- per month for the child. By filing this appeal quantum of maintenance amount has been challenged on the ground that wife is also a working woman serving as a teacher in Krishna Niketan, Patna, which is being disputed by the counsel for the appellant as according to him respondent is now serving as a teacher in St. Karent's School, Patna.

2. Appellant being a businessman, maintenance amount of Rs. 4,000/- per month for the wife, Rs. 1500/- per month for the child is hardly an amount which should be questioned on the ground that wife is serving as teacher in a private public school.

3. We see no merit in the appeal, which is dismissed.

(V.N. Sinha, J)

(Nilu Agrawal, J)

P.K.P.

U		T	
---	--	---	--