

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.492 of 2009

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Sangeeta Dubey Archana, D/o Ram Naresh Dubey, resident of Road No.2, Plot No. 161, Shri Krishna Nagar, P.O. – GPO, P.S. – Budha Colony, Patna

.... Respondent/Appellant

Versus

Shri Manoj Kumar Ojha, S/o late Jaikishore Ojha, Resident of Village – Goradih, P.O. Sarkanda, P.S. – Pirpanti (Ishipur Barhat), District – Bhagalpur, At present – Chemical Engineer, Hindustan Copper Ltd., residing at HTF – 3/2 Mau Bhandar, P.O. – Ghatshila, P.S. – Ghatshila, District – Singbhum (Jharkhand)

.... Petitioner/Respondent

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Appearance :

For the Appellant/s : Mr. Ugranath Mallik, Advocate

For the Respondent/s : Mr. Suresh Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

**HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

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

Date: 12-02-2015

Having heard learned counsel for the parties, we are of the view that while passing the impugned judgment dated 07.05.2005 in Matrimonial Case No. 344 of 2002, the Additional Principal Judge, Family Court, Patna was required to have considered the request of the appellant for grant of maintenance *pendente lite* and expenses of the proceedings as per the provisions contained in Section 24 of the Hindu Marriage Act, 1955, but from perusal of the impugned judgment, it does not appear that the Court below has considered such request of the appellant.

2. In the circumstances, we direct that in lieu of

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maintenance *pendente lite* and expenses for the proceedings, respondent herein shall pay Rs. 2,00,000/- (Rupees Two lacs) to the appellant within four weeks from today. In case the amount of Rs. 2,00,000/- (Rupees Two lacs) is not paid within the time indicated above, appellant shall be at liberty to file appropriate application before this Court for recovery of the aforesaid amount by taking coercive steps against the respondent.

3. The appeal is, accordingly, disposed of.

4. It goes without saying that the appellant or her father shall be at liberty to pursue the criminal cases which they have already instituted while the marriage was subsisting.

(V.N. Sinha, J.)

(Ahsanuddin Amanullah, J.)

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