

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.103 of 2013

=====

Anita Devi @ Anita Mishra wife of Sri Amarendra Kumar Mishra, daughter of Sri Shankar Nath Mishra @ Nemdutt Mishra, resident of Village and P.O. Panditpur, P.S. Janta Bazar, District Saran, at present Mohalla Dahiyawan Tola, (near Saran Academy High Court), P.S. Chapra Town, District Saran.

.... Opp. Party.... Appellant

Versus

Amarendra Kumar Mishra son of Sri Ram Naresh Mishra, resident of Village and P.O. Rasulpur, P.S. Amnour, District Saran, at present resident of Mohalla Shakri Nagar, P.O. Chapra, P.S. Chapra Mufassil, District Saran.

.... Appellant.... Respondent

=====

Appearance :

For the Appellant : Mr. M. N. Parbat, Sr. Advocate

For the Respondent : Mr. Prashant Kashyap with
Mr. Nawal Kishore Singh, Advocates

=====

**CORAM: HONOURABLE MR. JUSTICE V.N. SINHA
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**

ORAL JUDGMENT

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

Date: 13-02-2015

Having heard learned counsel for the parties, we are
satisfied that the impugned judgment is required to be interfered with

to a limited extent as thereunder the court below has not chosen to decide the amount of alimony including the amount of maintenance *pendente lite* as also legal expenses in terms of Section 24 of the Hindu Marriage Act, 1955 which the appellant was required to be paid by the respondent husband.

2. Accordingly, we set aside the impugned judgment in part to the aforesaid extent and direct the court below to decide the amount of permanent alimony which is required to be paid to the appellant in view of the fact that the respondent has already married for the second time. Let the appellant adduce evidence about the quantum of permanent alimony which is to be paid in the light of evidence led by them as has been agreed by the counsel for the parties.

3. It goes without saying that both the parties are at liberty to lead evidence on the aforesaid point in issue. The court below should, however, decide the point and pass appropriate orders in the matter within two months from the date of their first appearance for which the parties are directed to appear in the court below on 2nd March, 2015 when the respondent shall furnish bank draft in the name of the appellant for a sum of Rs. 50,000/- as interim payment of maintenance *pendente lite* as also legal expenses. Aforesaid amount shall not be adjusted in the final amount of alimony which shall be the

subject matter of consideration in the light of this order.

(V.N. Sinha, J)

(Ahsanuddin Amanullah, J)

Anjani/-

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