

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.445 of 2013

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Ravishankar Prasad Gupta, aged about 52 years, S/o late Dayanand Prasad Gupta,
r/o Mohalla – Kedarnath Road, Kalyani Chowk, Ward No. 23, P.S. Town, District
Muzaffarpur

.... Appellant/s

Versus

Bebi Devi, W/o Ravishankar Prasad Gupta, At present r/o village – Narhan State,
P.S. – Bibhutipur, District - Samastipur

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar @ S.K., Advocate

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

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

Date: 23-06-2015

Delay in filing the appeal is condoned.

2. I.A. No. 3500 of 2014 is allowed.

3. Heard learned counsel for the appellant.

4. Appellant is aggrieved by the order dated
08.04.2013 passed by Principal Judge, Family Court, Muzaffarpur
in Matrimonial (Divorce) Case No. 182 of 2007 whereunder ad
interim maintenance of Rs. 5,000/- per month has been directed to
be paid to the respondent-wife.

5. It is submitted on behalf of the appellant that he
serves as Cook and he has the capacity to pay maintenance to his
wife at the rate of Rs. 2,500/- per month.

6. Aforesaid submission appellant is required to make
before the court below after he deposits the maintenance amount at
the rate of 2,500/- per month from the date of the impugned order

till the date of this order. The court below shall consider the prayer of the appellant in accordance with law after soliciting the response of the wife to the aforesaid plea raised by the husband.

7. In case, maintenance amount is not deposited in the court below in the light of our order within four weeks from today, the court below shall take all coercive measures for ensuring payment of the ad interim maintenance amount as directed by it and pass appropriate order in the matter. In case, the ad interim maintenance amount as directed by us is deposited, the court below shall ensure that the same is paid to the wife so that she can maintain herself.

8. We have not expressed ourselves about the quantum of maintenance which is to be paid by the husband to the wife. It shall be for the court below to fix the quantum of maintenance payable by the husband to the wife.

9. Until decision is taken in the matter, appellant shall continue to pay ad interim maintenance amount at the rate of Rs. 2,500/- per month to the wife.

10. The appeal is, accordingly, disposed of.

(V.N. Sinha, J.)

(Nilu Agrawal, J.)

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