

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6106 of 2011

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1. Sabir Saifi S/O Anis Ahmad (Sukha Patawala), R/O Mohalla - Milki Mohalla , Arrah, Near Kamaini, Hotel, Gopali Chowk, Arrah, P.O. - Arrah, P.S. - Town, P.S. + District - Bhojpur And Daugher Of Md. Amaluddin, At Present Residing In Quarter No. 57, Type-Ii, P&T Kotwali, District - Patna

.... Petitioner/s

Versus

1. Tabassum Parveen W/o Shabbir Saifi, R/O Mohalla - Milki Mohalla , Arrah, Near Kamaini, Hotel, Gopali Chowk, Arrah, P.O. - Arrah, P.S. - Town, P.S. + District - Bhojpur and Daughter Of Md. Amaluddin, at Present Residing In Quarter No. 57, Type-II, P&T Colony Kidwaipuri, Patna P.S. Kotwali, District – Patna
2. Shaad Ahmad minor son of Shabbir Saifi, R/O Mohalla - Milki Mohalla , Arrah, Near Kamaini, Hotel, Gopali Chowk, Arrah, P.O. - Arrah, P.S. - Town, P.S. + District - Bhojpur And At Present Residing with his mother as minor under guardianship and well wisher in Quarter No. 57, Type-II, P&T Colony, Kidwaipuri, Patna, P.S. Kotwali, District - Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Ghosarvey

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 07-09-2015

Heard the counsel for the petitioner.

This Court under order dated 24.8.2015 had directed the petitioner file an affidavit stating about the payments of the amounts as per the order passed by the learned Principal Judge, Family Court. Mr. Sanjay Kumar Ghorsarvey the counsel for the petitioner states that in spite of his best efforts he has not been able to contact his client.

The present application is directed against the order dated 28.1.2011 (Annexure-1) passed by the Additional Principal

Judge, Family court Patna in Maintenance case no. 114 (M) of 2008 whereby by way of ad interim maintenance directed the petitioner to pay a sum of Rs. 5,000/- to the respondent no.1 and also a sum of Rs. 1,500/- to the respondent no.2. Respondent no.1 is wife of petitioner whereas respondent no.2 is the minor son of the petitioner.

The contention of the petitioner is that he has already resigned from the job of ICICI Bank.

I have gone through the impugned order passed by the trial Court. From perusal of the impugned order, it appears that payment of ad interim maintenance was resisted on the ground that parties are muslims and governed by personal law. It was further stated that he had given talak to the applicant. For the reasons recorded therein rejected the objection and directed for payment of ad interim maintenance . This Court does not find any patent illegality in the order meriting interference.

Learned counsel for the petitioner states that if the petitioner wants any alteration in the impugned order, in so far as the ad interim maintenance is concerned, he shall move the Court for the said relief.

The writ application is dismissed.

(Kishore Kumar Mandal, J)

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