

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15242 of 2015

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Sanjay Kumar Sah

.... Petitioner/s

Versus

Rita Devi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 15-12-2015 Heard the learned counsel, Dr. Manoj Kumar, on the
interlocutory application No.9101 of 2015.

At the time of hearing of this interlocutory application, the
learned counsel submitted that the writ application itself may be
heard on merit. Accordingly, I heard him.

By the impugned order dated 18.08.2015, the learned
Principal Judge, Katihar in Matrimonial case No.257 of 2012 /
Matrimonial Case No.1388 of 2014 directed the petitioner to pay
Rs.2000/- as maintenance per month and Rs.500/- per month as
litigation cost.

The only ground raised by the petitioner is that earlier there
was compromise between the parties and have filed jointly an
application under Section 13 (B) of the Hindu Marriage Act for
divorce with consent but subsequently, the respondent refused to

compromise. Another proceeding under Section 125 Cr.P.C. is already going on. The Court below has not considered these aspects of the matter and directed the petitioner to pay the aforesaid amount.

It is not the case of the petitioner that the petitioner is not in a capacity to pay the interim maintenance to the respondent-wife. Admittedly, the divorce case is still going on and, therefore, on the ground raised by the petitioner, the impugned order cannot be interfered with. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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