

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.772 of 2014

Sanjay Kumar @ Sanju son of Kamal Nayan Prasad, resident of Village- Ulao ,
(C/O Sona Medicine) Ward No. 7, P.S. - Muffasil (Singhaul O.P), District -
Begusarai.

.... Appellant/s

Versus

Vishnu Priya, D/o Late Chandra Chur Dev, Village Ulao , Ward No. 7 , P.S. -
Muffasil (Singhaul O.P.), District - Begusarai.

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Arvind Prasad Singh, Advocate
Mr. Santosh Kumar Sinha, Advocate
Mr. Suresh Singh, Advocate

For the Respondent/s : None

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

Defect about the maintainability of the appeal is
ignored.

2. Heard learned counsel for the appellant.

3. Appellant is the husband. He has filed this appeal
assailing the order dated 27.05.2014 passed by Principal Judge,
Family Court, Begusarai in Maintenance Case No. 103M of 2006/381
of 2013 whereunder he has been directed to pay a sum of Rs. 5,000/-
per month towards maintenance of his wife and three children.

4. Perusal of the impugned order indicates that the same
has been passed taking into account the admitted facts as also the

evidence produced by the parties. Wife examined herself as Witness No. 1. Her evidence has been considered in paragraph 7 of the impugned order. From paragraph 8 of the impugned order, it appears that the wife sold her land which she got by way of gift from her father and her husband misappropriated the amount. Husband also examined himself as O.P. Witness No.1. His evidence has also been considered in paragraph 8.

5. The court below having taken into account the evidence of the wife and her brother, Witness No.2 concluded that she does not have any resource to feed herself and her three children born out of the wedlock. In such circumstances, court below directed the appellant-husband to pay Rs. 5,000/- per month as maintenance to the respondent-wife and three children.

6. We see no illegality in the impugned order. The appeal is, accordingly, dismissed.

7. The court below should ensure payment of the maintenance amount to the wife after resorting to all coercive steps against the husband.

(V.N. Sinha, J.)

(Nilu Agrawal, J.)

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