

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.187 of 2011

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Raghubansh Singh, son of late Ramchandra Singh, Resident of Kamalpur P.S.
Biraul, District Darbhanga

.... Appellant/s

Versus

Smt. Mala Devi D/o Pramod Prasad Singh, Resident of Village – Bhuskaul, P.S.
Jamalpur, District Darbhanga

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dhananjay Kumar, Advocate

For the Respondent/s : Mr. Manish Kumar No. 13, Advocate

Mr. Rohit Kumar, Advocate

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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: 10-07-2015

Heard learned counsel for the appellant and the respondent.

2. Husband is the appellant. He has filed this Misc. Appeal against the impugned judgment dated 15.07.2008 passed by Principal Judge, Family Court, Darbhanga in Matrimonial Case No. 166 of 2005 whereunder the petition of the husband under Section 13(1) of the Hindu Marriage Act for dissolution of his marriage with the respondent-wife has been rejected holding that he has not been able to establish the ground taken in support of the plea.

3. It appears, amongst the other grounds, husband also alleged that wife was in adulterous relationship, but he has not named the co-respondent. In such view of the matter, the allegation of

adultery being committed by the wife is not only false but also the petition was not maintainable.

4. Wife has sufficiently been harassed by filing this appeal, in the circumstances, we not only dismiss the appeal but also direct the Principal Judge, Family Court, Darbhanga to ensure grant of maintenance to her in the light of his own order dated 12.03.2015 wherefrom it appears that maintenance amount payable to the wife is Rs. 2,500/- per month and the arrears on 12.03.2015 mounted to the tune of Rs. 1,50,000/-.

5. The Principal Judge is directed to resort to all coercive measures within his command to ensure payment of the aforesaid amount to the wife.

6. Let this order be communicated to the court below through fax by the office of this Court so as to enable the court below to proceed with the matter in the light of this order as early as possible.

(V.N. Sinha, J.)

(Nilu Agrawal, J.)

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