

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8088 of 2015

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Srinath Pandey

.... Petitioner/s

Versus

Rina Devi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Roy

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 16-12-2015

Heard learned counsel for the petitioner.

By the impugned order dated 24.06.2014 the learned Principal Judge, Family Court, Buxar in Matrimonial (Divorce) Case No.61 of 2012 directed the husband-petitioner to pay Rs.2,000/- per month to the wife respondent. The learned counsel for the petitioner submitted that that court below prior to passing the impugned order has not considered any evidences and materials, therefore, the impugned order is bad.

Perused the order passed by the court below. The court below after hearing the parties observed that it is admitted by the petitioner that he has 51 decimals land in his share and is earning some money by doing tuition work. It has also been stated that he is doing post-graduation and that petitioner is also maintaining his mother and unmarried sister, therefore, it shows that there is some source of income.

Considering the above observation of the court below and the fact that the husband-petitioner is not disclosing his own income, it cannot be said that the order is without jurisdiction or the court below passed order in the manner not permitted by law. It is the duty of the husband to maintain his wife and in these days it cannot be said that the amount of Rs.2,000/- per month is excessive.

This court in 2004 (4) PLJR 533 has held that if husband is avoiding to declare his income, the contention of wife has to be accepted.

In view of the above position and the fact that Section 24 is a summary procedure it is always not necessary to produce evidence.

Therefore, I find no reason to interfere with the impugned order. Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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