

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11560 of 2014

In
CR. REV. 339 of 2014

=====

Anil Kumar @ Tipu, Son of Late Ram Sundar Prasad, Resident of Yogipur,
Lohiya Nagar, P.S.- Ptrakar Nagar, District-Patna.

.... Petitioner/s

Versus

Rakhi Devi D/o Sri Ram Nath Singh, W/o Anil Kumar @ Tipu, Resident of
Kachchi Dargah, P.S.- Didarganj, District-Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

4 12-10-2015

Heard Mr.Sanjay Jaipuriar, the learned
counsel appearing for the petitioner.

Calling in question, the legal sustainability of
the order passed by the learned court below under Section 24 of
the Hindu Marriage Act by directing the petitioner to pay
Rs.4,000/- as maintenance pendente lite to the opposite party and
further to pay a sum of Rs.15,000/-in one lumpsum by way of
litigation cost, the present application under Article 227 of the
Constitution of India has been filed.

The petitioner has filed the petition for
divorce which has been registered as Matrimonial Case
No.468/2010 before the Family Court. During the pendency of this
case the respondent-wife filed a petition under Section 24 of the

Hindu Marriage Act claiming interim maintenance as well as the litigation cost. By the impugned order, the learned court below has allowed the prayer as made by the respondent-wife directing the petitioner to pay Rs.4,000/- per month as maintenance and Rs.15,000/- by way of litigation cost.

Mr. Jaipuriar, the learned counsel for the petitioner has submitted that the learned court below has failed to consider that the opposite party has been teacher in a school run by her parents and therefore she has sufficient means to maintain herself. It has further been also submitted by the learned counsel for the petitioner that the petitioner is a tea shop owner having meager income of Rs.3,000/- per month. The contention of the petitioner is that the learned court below ought not to have passed the order for payment of a heavy amount by way of interim maintenance.

After considering the materials on record and submissions on behalf of the petitioner, it is manifest that though the petitioner has stated in his rejoinder that the respondent-wife is a teacher in a school run by her parents but no evidence at all has been adduced corroborating the said statement. From the impugned order also it is transparent that the said statement has been specifically denied by the respondent. The learned court below after

considering the materials on record has disbelieved the case of the petitioner that his income is Rs.3,000/- per month only and thereafter passed the order for payment of Rs.4,000/- per month by way of interim maintenance and Rs.15,000/- by way of litigation cost.

This Court after considering the reasonings assigned by the learned court below is not inclined to interfere in the same. The fact has also been accepted that the petitioner after passing of the impugned order has not complied the direction therein for more than one year and has not paid anything to his wife.

The writ application is accordingly, dismissed.

(V. Nath, J)

Nitesh/-

U			
---	--	--	--