

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10191 of 2015

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Sheodhayan Choudhare @ Sheodhayan Choudhary

.... Petitioner/s

Versus

Bibha Devi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 02-12-2015

Heard learned counsel Mr. Santosh Kumar Pandey for
the petitioner.

2. This application under Article 227 of the Constitution of India has been filed by the petitioner against the order dated 10.06.2015 passed by the Principal Judge, Family Court, Aurangabad in Matrimonial Case No.13 of 2015 whereby the court below allowed the application under section 24 of the Hindu Marriage Act filed by the wife-respondent and directed the petitioner to pay Rs.1,000/- per month as maintenance to the wife-respondent and also directed the petitioner to pay Rs.10,000/- as litigation cost.

3. The learned counsel for the petitioner submitted that in fact in maintenance case filed by the wife under Section 125 Cr.P.C. the petitioner was directed to pay Rs.5,000/- and against that order the petitioner has filed criminal miscellaneous before

the High Court, which is still pending.

4. It is admitted fact that the petitioner is not depositing either the said amount directed by the Family Court in a proceeding under Section 125 Cr.P.C. nor he is depositing the amount of maintenance i.e. Rs.1,000/- per month as directed by the court in this matrimonial case. So far submission of learned counsel that the petitioner is not working and is landless is concerned, it is mentioned here that the court below has recorded that the petitioner is not disputing the marriage and being the husband has got liability to maintain the wife-respondent.

5. In my opinion, therefore, in exercise of supervisory jurisdiction the impugned order cannot be interfered with. Thus, this writ application is dismissed.

Harish/-

(Mungeshwar Sahoo, J)

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