

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.7 of 2014

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Ajay Kumar Sinha, S/O Late Radhika Nandan Radha, Resident of Village Rampur,
Police Station Jamalpur, District Monghyr.

.... Appellant/s

Versus

Smt. Renu Kumari, D/O Late Radhika Raman Verma W/O Ajay Kumar Sinha,
Resident of Mohalla Topkhana Bazar, P.S. Kotwali, District Munghyr.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Kumar Singh, Advocate

For the Respondent/s : Mr.

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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: 09-07-2015

Heard learned counsel for the appellant.

2. Appellant-husband has filed this appeal assailing judgment dated 29.11.2013, passed by Principal Judge, Family Court, Munger, in New Case Mat. No. 1033/2013/ Old Case T.S. (Mat.) 249 of 2012 whereunder the court below having referred to the proceedings taken in the High Court dismissed the divorce case for non-prosecution, as appellant husband herein has chosen not to reimburse the wife litigation cost of Rs. 500/- on every date fixed.

3. It is submitted on behalf of the appellant that he is regularly paying the wife maintenance amount of Rs. 1500/- per month and Rs. 13,000/- per month towards arrears of the maintenance

amount and does not have capacity to pay her Rs. 500/- as litigation cost on every date fixed. Appellant having chosen not to pay the maintenance amount of Rs. 1500/- per month, thereby the arrears accumulated and now he has to pay Rs. 13,000/- towards arrears but that cannot be a ground for him not to pay the wife litigation cost of Rs. 500/- per date fixed in terms of Section 24 of the Hindu Marriage Act.

4. The court below having fixed Rs. 500/- per day as litigation cost, we do not find any error in the order. The appeal is dismissed.

(V.N. Sinha, J)

(Nilu Agrawal, J)

Rajesh/-

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