

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4640 of 2011

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1. Ranjeet Kumar @ Ranjeet Singh S/O Sri Rajdeo Singh R/O Village-
Narauli, P.S.- Bakhtiyarpur, District- Patna

.... Petitioner/Appellant

Versus

1. Gunja Devi D/O Late Kamo Singh R/O Village-Sirsi, P.S.- Bakhtiyarpur,
Distt.- Patna

.... Opp.Party/ Respondent

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

6 18-08-2015 Heard Mr. Surendra Kumar Singh for the petitioner.

No one has appeared on behalf of the respondent.

The previous orders also indicate that the opposite party/respondent defaulted in appearing before this court in the present proceeding .

The petitioner filed Matrimonial case no. 341 of 2008 for annulling the marriage between him and the respondent solemnized on 8.12.2007. An application was filed by the opposite party under Section 24 of the Hindu Marriage Act to which rejoinder was filed by the petitioner. The learned Family Court by order dated 13.01.2011 disposed of the said application by directing the petitioner to pay a sum of Rs. 3,000/- as ad-interim maintenance to the opposite party from the date of filing

of the petition and Rs. 10,000/- as litigation cost in one lump sum. Aggrieved thereby the present writ petition was filed wherein this court by order dated 03.08.2011 while issuing notice to the respondent observed as under:-

“In the meanwhile, the amount of ad interim maintenance is reduced to Rs. 1500/- per month from the date of passing of the order dated 13.1.2011. The petitioner would deposit the aforesaid amount in five equal monthly instalments. The litigation cost is also reduced to Rs. 7000/- from Rs. 10,000/- . The trial court is directed to proceed to dispose of the aforesaid Matrimonial Suit No. 341 of 2008 expeditiously preferably within a period of six months from the date of receipt/production of a copy of this order as the evidence on behalf of the petitioner has already been adduced.”

As noticed above, no one has appeared on behalf of the respondent although she entered her appearance.

A supplementary affidavit has been filed on behalf of the petitioner. On perusal whereof it appears that in the light of the order of this court dated 03.08.2011 the petitioner has deposited on different occasions a sum of Rs. 4,000/- on 22.09.2011, Rs. 4,000/- on 17.10.2011 and thereafter a sum of Rs. 4,000/- on 05.01.2012. In para 6, it has been stated that a sum of Rs. 12,000/- was deposited on 13.02.2012 out of which a sum of Rs. 28,000/- has been withdrawn by the respondent. In para 8 the

petitioner has stated about the further deposits of the amount. It has been stated on the basis of these statements that a sum of Rs. 1,500/- as directed by this court is being regularly paid/deposited for use by the respondent.

The counsel for the petitioner submitted that although the amount has been deposited as directed by this court under order dated 03.08.2011 but the trial of the case has not progressed as the respondent is not taking interest although the case is fixed for final argument.

Having regard to the submissions and the facts disclosed in the supplementary affidavit and also taking note of the order dated 03.08.2011 the application is disposed of. The interim maintenance amount as well as the litigation cost as directed under the order dated 03.08.2011 is confirmed. The trial court shall now proceed to dispose of the pending Matrimonial Suit expeditiously without further loss of time.

(Kishore Kumar Mandal, J)

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