

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Miscellaneous Appeal No.149 of 2014**

Sargent Barun Kumar Son of Ayodhya Prasad Singh, Resident of Village-  
Banstand, P.S. Karpi, District- Arwal

.... .... Appellant/s

Versus

Anita Kumari Wife of Barun Kumar, Daughter of Baliram Prasad Singh Resident of  
Village- Banstand, P.S. Karpi, District- Arwal

.... .... Respondent/s

**Appearance :**

For the Appellant/s : Mr. Sanjay Kumar, Advocate

For the Respondent/s : None

**CORAM: HONOURABLE MR. JUSTICE V.N. SINHA**

**and**

**HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

**(Per: HONOURABLE MR. JUSTICE V.N. SINHA)**

**Date: 18-05-2015**

Notwithstanding the defect about the maintainability of  
the appeal, we take up the appeal for admission.

2. Heard learned counsel for the appellant.

3. Appellant is aggrieved by the order dated 14.12.2013  
passed by Principal Judge, Family Court, Aurangabad in Misc. Case  
No. 126 of 2011 granting maintenance of Rs. 5,000/- per month to the  
applicant-respondent-wife.

4. It is submitted on behalf of the appellant-husband that  
the maintenance order is wholly without jurisdiction as wife being  
Panchayat Teacher is herself getting salary of Rs. 11,000/- per month  
for the present and the appellant being solely dependent on his

pension income from the Air Force which is Rs. 13,000/- per month, it may not be possible for him to part with Rs. 5,000/- per month as maintenance for the wife.

5. Aforesaid plea of the appellant has been considered by the court below in paragraph 9 of the impugned judgment wherefrom it appears that the appellant has purchased valuable land at Banaras, as he has income from landed property and other sources besides the pension income. The wife has not only to support herself but also her two sons as has been found by the court below.

6. In the circumstances, we are satisfied that the impugned judgment does not require any interference. The appeal is, accordingly, dismissed.

**(V.N. Sinha, J.)**

**(Nilu Agrawal, J.)**

Arjun/-

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