

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.378 of 2011

Sunita Kumari

.... Appellant/s

Versus

Vinoda Nand Bharti

.... Respondent/s

**Appearance :**

For the Appellant/s : Mr. Prem kumar Jha, Advocate.

For the Respondent/s : Mr. Satish Chandra Mishra, Advocate

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

**and**

**HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL ORDER

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

10 03-07-2015

Having heard learned counsel for the appellant-wife and learned counsel for the respondent-husband, we are satisfied that the Court below taking into account the evidence led by the parties, has dissolved the marriage of appellant-wife with the respondent-husband and the impugned judgment does not require any interference except that wife and her son are entitled to get 1/4<sup>th</sup> of the monthly payable salary of her husband as alimony every month until life time of the mother of the respondent or present wife of the respondent continued with her studies, which ever is earlier, whereafter, appellant shall be entitled to 1/3<sup>rd</sup> salary of the respondent per month as maintenance for the appellant and her son and to that extent the direction contained in paragraph-20 of the impugned Judgment dated 15.04.2011 passed

by the Principal Judge, Family Court, Nalanda at Biharsharif in Matrimonial Case No. 65 of 2007/ 260 of 2010 is modified and with the aforesaid modification , the appeal is disposed of.

It goes without saying that payment of maintenance shall continue even after superannuation of the respondent from service. Once the son has become employed or wife has become employed, the appellant shall be paid 1/6<sup>th</sup> of the take home salary of the respondent.

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

**(Nilu Agrawal, J)**

Sudha/-

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