

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.92 of 2013

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Anima Kumari Sinha, wife of Manoj Kumar Sinha @ Babu, D/o Sohan Prasad Sinha, case of Manoj Pubey, residing behind Brilliant Point School, Mohalla – Subhash Nagar, P.S. – K. Hat, Distt. - Purnea

.... Respondent-Appellant

Versus

Manoj Kumar Sinha @ Bablu, son of Braj Nandan Prasad Sinha, resident of Hanuman Kuti, Mohalla – Rajni Chowk, P.S. – K. Hat, Distt. - Purnea

.... Petitioner-Respondent

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Appearance :

For the Appellant/s : Mr. N.K. Agrawal, Senior Advocate,
Mr. J.P. Bhagat, Advocate

Mr. D. N. Tiwari, Advocate

For the Respondent/s : Mr. Rajendra Narain, Senior Advocate
Mrs. Anju Narain, Advocate
Mr. Umesh Kumar Roy, Advocate

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

**HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

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

Date: 10-02-2015

Heard learned counsel for the appellant and the respondent.

2. Wife is the appellant. She has filed this appeal assailing the impugned judgment dated 14.12.2012 passed by the Principal Judge, Family Court, Purnea in Matrimonial Suit No. 14 of 2002, whereunder matrimonial case filed by the husband has been allowed dissolving the marriage with direction to the husband to pay maintenance of Rs. 1,000/- per month until she married again with another male.



3. It is submitted on behalf of the appellant that the ground of cruelty raised against her is not made out as it is said that she abused her husband by the name of his mother by alleging illicit relationship with her. It is further submitted on behalf of the appellant that she having realized her mistake asked for forgiveness by writing a letter to the husband but the husband instead of forgiving her filed divorce case. It is also submitted that the amount of Rs. 1,000/- allowed to her as maintenance is also meager, as such, according to the appellant, the impugned judgment is fit to be set aside on both the grounds.

4. Counsel for the respondent-husband has opposed the prayer. According to him, appellant-wife committed such mistake which cannot be forgiven as she should not have abused him even in heat of moment in the name of his mother and once such abuse has been hurled on him, it is difficult for him to accept her back in the matrimonial home. Counsel for the husband further submitted that the appellant-wife earlier served as teacher and she can manage herself with the maintenance amount of Rs. 1,000/- and the husband having no other business except the job of Manager in Mahavir Tent House, he is not in a position to pay anything more than Rs. 1,000/-.

5. Aforesaid submission made on behalf of the husband has been noted only for being rejected as from the pleadings of the

parties itself, it is evident, as discussed by the Principal Judge, Family Court himself, that husband had a family business of hardware which has been closed. Hardware business may have closed but the corpus of the business must be there.

6. In the circumstances, we are of the view that the amount of Rs. 1,000/- as maintenance to the wife is wholly unsatisfactory, inadequate and requires to be increased to Rs. 5,000/-. While maintaining the impugned judgment for dissolution of marriage, we direct that appellant-wife be paid Rs. 5,000/- per month as maintenance from March, 2015.

7. Impugned judgment and order is modified to the aforesaid extent and the appeal is disposed of accordingly.

(V.N. Sinha, J.)

(Ahsanuddin Amanullah, J.)

Arjun/-

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