

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.576 of 2016**

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Shailendra Kumar

.... Appellant/s

Versus

Sushma Devi

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Gyanendra Kumar Singh

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

2 07-09-2016

Heard the learned counsel for the petitioner.

Perused the impugned order dated 07.06.2016 passed by Principal Judge, Family Court, Patna in Matrimonial Case No.5004 of 2014 whereby the learned Principal Judge, Family Court has directed the husband-petitioner to pay Rs.4,000 per month to the wife and Rs.1,500 per month to the minor son who is residing with the wife under Section 24 of the Hindu Marriage Act.

The learned counsel for the petitioner submitted that in fact, the petitioner has got no faith and that the minor son who is residing with the wife is not his son and, therefore, unless D.N.A. test is conducted and it is proved that he is the son of the petitioner, the wife is not entitled for the grant of maintenance under Section 24 of the Hindu Marriage Act.

From perusal of the impugned order, it appears that

admittedly, the petitioner is Government servant i.e. a teacher in the school and was getting Rs.24,000 per month. The dispute is with regard to the parentage of the minor son that can be a matter for decision on merit in the matrimonial suit.

So far the question of adultery is concerned, it may be mentioned here that except the allegation that the wife-respondent is leading adulterous life, the alleged adulterer has not been made party in the matrimonial case.

In view of the above facts, in my opinion, the argument advanced by the petitioner is misconceived and those grounds are not the grounds for rejecting the application under Section 24 of the Hindu Marriage Act. Therefore, no case for interference in supervisory jurisdiction is made out.

Thus, this Civil Miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

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