

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4690 of 2016

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Anuja Kumari

.... Petitioner/s

Versus

Rohit Raman

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

4 19-10-2016

Heard learned counsel for the petitioner and learned
counsel for the respondent.

2. Perused the order dated 06.06.2015 passed by the
Principle Judge, Family Court, Patna in Matrimonial Case No. 17 of
2013, whereby the learned court below rejected the application filed by
the petitioner under Section 24 of the Hindu Marriage Act.

3. From perusal of the impugned order, it appears that the
court below clearly recorded finding that the petitioner is employed
with Earth Home Private Limited, Noida, U.P. and she is getting
handsome salary to the tune of Rs. 1,75,000/- per annum. It further
appears that in support of the case, the husband has produced different
documents in the court below and in the counter affidavit here also
some documents have been produced in support of the case that the
petitioner is employed with Earth Home Private Limited and is getting
handsome salary.

4. This question as to whether she is employed or not is a

purely a disputed question of fact. The court below on the basis of material available before the court recorded clear finding that she is employed and is residing at New Delhi. Therefore, in exercise of supervisory jurisdiction, this Court cannot re-appreciate the evidences and say that the finding recorded by the court below is perverse or is not based on any material.

5. The Hon’ble Supreme Court in the case of Jai Singh and Others Vs. Municipal Corporation.. reported in **2010 (9) SCC 385** has held that the High Court cannot lightly or liberally act as an appellate court and re-appreciate the evidence. Generally, it cannot substitute its own conclusion for the conclusion reached by the courts below or the statutory/quasi-judicial tribunals. The power to re-appreciate evidence would only be justified in rare and exceptional circumstances where grave injustice would be done unless the High Court interferes.

6. In view of the above facts and circumstances and settled principles of law, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Thus, this civil miscellaneous application is dismissed.

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(Mungeshwar Sahoo, J)