

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1096 of 2016**

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Mantun Kumar @ Matan

.... Appellant/s

Versus

Chandani Devi & Anr

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shambhu Sharan Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 15-11-2016

Heard the learned counsel for the petitioner.

Perused the impugned order dated 07.01.2016 passed by learned Principal Judge, Family Court, Samastipur in Divorce Case No.124 of 2014/424 of 2014 whereby the learned Court below allowed the application filed by the wife under Section 24 of the Hindu Marriage Act and directed the petitioner to pay Rs.2,000/- per month as maintenance to the wife-respondent.

The learned counsel for the petitioner submitted that without giving any opportunity to the petitioner, the order has been passed. On the same day, the petitioner filed rejoinder to the application under Section 24 of the Hindu Marriage Act but the Court below had already passed the order although the date was fixed for filing the rejoinder to the application under Section 24 of the Hindu Marriage Act. The learned counsel further submitted that in criminal case under Section 498A I.P.C. while granting bail, condition was imposed to pay Rs.750/- per month which the

petitioner is paying regularly. The learned counsel further submitted that the respondent is not residing with the petitioner and that she has got illicit relation with one Subodh Kumar Singh.

From perusal of the impugned order, it appears that although, hajiri was filed by he petitioner on 07.01.2016, in spite of repeated calls nobody turned up. Thereafter, the Court below heard the respondent and passed the order under Section 24 of the Hindu Marriage Act. It further appears that on 24.11.2015, the wife had filed the application under Section 24 but till date when the order was passed, no rejoinder was filed. The rejoinder was filed only after the order was passed by the Court below. Further, the Court below only directed to pay Rs.2,000/- per month as maintenance.

So far the case of the petitioner that he is paying Rs.750/- in 498A I.P.C. case is concerned, it may be mentioned here that it is a condition for the grant of anticipatory bail. Therefore, in no case, it can be said that the order passed by the Court below is illegal or that it is irrational or that the quantum is excessive considering the present day to day expenses.

I, therefore, find no reason to interfere with the impugned order. Accordingly, this Civil Miscellaneous application is dismissed.

Saurabh/-

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(Mungeshwar Sahoo, J)