

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3262 of 2016

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Manoj Mandal

.... Petitioner/s

Versus

Veena Devi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amitabh Bhardwaj

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 15-07-2016

Heard the learned counsel for the petitioner.

By the impugned order dated 09.11.2015, the learned Principal Judge, Family Court, Samastipur has directed the petitioner to pay Rs.6000/-, i.e., Rs.3000/- to wife and Rs.1000/- each for three children per month as maintenance under Section 24 of the Hindu Marriage Act in Matrimonial Case No.160 of 2014 / 540 of 2014.

The defence of the petitioner before the Court below was that he is a labour working in Kolkata and is earning Rs.200/- per day. By the impugned order, the Court below held that this claim of the petitioner is not acceptable.

Therefore, when the Court below did not accept this case of the petitioner, this Court in supervisory jurisdiction cannot direct the Court below to accept his case, particular when the Court below held that the petitioner is not disclosing his income per

month.

This Court in the case of *Bina Kumari Vs. Srikant 2004 (4) PLJR 533* has held ‘when the husband is avoiding to declare his income then the contention of the wife is to be accepted.’ The Court below disbelieved the case of the petitioner and accepted the contention of the wife.

In such view of the matter in supervisory jurisdiction under Article 227 of the Constitution of India, this Court cannot hold Panchayat and fix rate of maintenance under Section 24 of the Hindu Marriage Act.

Thus, I find no reason to interfere with the impugned order. Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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