

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3632 of 2014

=====

Nand Kishor Prasad	...	Petitioner/s
--------------------	-----	--------------

Versus

Bina Devi		Respondent/s
-----------	------	--------------

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sharma

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO

ORAL ORDER

2 12-01-2016

Heard Mr. Ajay Kumar Sharma, learned counsel for the petitioner.

By the impugned order dated 13.08.2012 passed by the learned Principal Judge, Family Court Saran At Chapra has granted maintenance of Rs. 2,000/- per month in favour of the wife-respondent in Matrimonial Case No. 203 of 2011.

The learned counsel for the petitioner submitted that the petitioner has left his work as welder in Delhi because there is order of the High Court while granting regular bail that the petitioner should appear before the Court in criminal case on each and every day and further the petitioner was directed to pay Rs. 7,000/- per month. The court below without considering this aspect of the matter has directed the petitioner to pay Rs. 2,000/-

per month.

Perused the order passed by the Court below. Admittedly no documentary evidence has been produced. It is admitted fact that the petitioner was working as welder in New Delhi. In view of this admitted position, the petitioner appears to be skilled person.

The supreme court in the case of *Mohammad Yusuf Vs. Faiz Mohammad & others (2009) 3 Supreme Court Cases 513* has held that “the high Court can set aside orders passed by the court below only on limited grounds of illegality, irrationality and procedural impropriety”.

In the present case from the perusal of the impugned order, it appears that the court below considered all the submissions raised by the learned counsel for the petitioner and considering the financial position has directed the petitioner to pay only Rs. 2,000/- which is, in my opinion, is very meager in this hard days, therefore, in no way it can be said that the order passed by the court below is illegal or irrational nor it can be said that the order had occasioned failure of justice. In such view of the matter, the impugned order cannot be interfered with in supervisory jurisdiction as this Court cannot take another view under Article

227 of the Constitution of India.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J.)

M.S. KHAN/-

U			
---	--	--	--