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IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9732 of 2016
In
MA 700 of 2014

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Mangal Prasad @ Mangal Prasad Singh

.... Petitioner/s

Versus

Smt. Manju Devi

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Jai Vardhan Narayan
For the Respondent/s : Mr. Awadhesh Kumar Mishra

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO

ORAL ORDER

3 06-09-2016 Heard learned counsel for the petitioner and learned counsel for the respondent.

Perused the impugned order dated 14.05.2014 passed by learned Principal Judge, Family Court, Patna in Matrimonial Case No.632 of 2011 whereby the learned court below has directed the petitioner to pay Rs.7,000/- per month as maintenance under Section 24 of the Hindu Marriage Act.

From perusal of the impugned order, it appears that some documentary evidences were produced before the court below i.e. sale deed by which properties have been acquired by the petitioner, the bank statements and also the ownership of the petitioner with respect to courier service etc. and on the basis of the said documentary evidences the court below inferred the income of the petitioner per month is about Rs.30,000/- and

accordingly has directed the petitioner to pay monthly maintenance under Section 24 of the Hindu Marriage Act.

It is settled principles of law that the High Court cannot lightly or liberally act as an appellate court and re-appreciate the evidence. Generally, it cannot substitute its own conclusions for the conclusions reached by the courts below or the statutory/quasi judicial tribunals. The High Court can exercise the jurisdiction under Article 227 of the Constitution where orders have been passed in grave dereliction of duty or in flagrant abuse of fundamental principles of law or justice. Reference may be made to the decision of the Supreme Court, **(2010) 9 Supreme Court Cases 385**.

In view of the above settled principles of law this Court cannot re-appreciate the documentary evidences and substitute its own finding of fact for the purpose of supervising the order passed by the court below particularly the order is within the jurisdiction of the court below. Therefore, in my opinion, this is not a case for interference in exercise of supervisory jurisdiction under Article 227 of the Constitution of India. Accordingly, this writ application is dismissed.

Harish/- **(Mungeshwar Sahoo, J)**

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