

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11389 of 2014

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Smt. Vandana Sinha W/o Ashwini Kumar, D/o Late Birendra Kumar Sinha At
present residing at Mohalla Kankarbagh, P.S. Kankarbagh, District Patna.

.... Petitioner

Versus

Ashwini Kumar S/o Sri Bholu Nath Verma Resident of Flat No. 403, Giri
Apartment, East Lohanipur, P.S. Kadam Kuan, Town and District Patna.

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Sarvan Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 01-08-2016

V.Nath, J.

Heard the learned counsel for the petitioner.

The petitioner who is the opposite party in a matrimonial case for divorce filed by her husband has filed this application under Article 227 of the Constitution of India praying for modification of the order by which the prayer of the petitioner for grant of interim maintenance has been allowed only to the extent of Rs.6,000/- for the petitioner and her son.

It has been submitted by the learned counsel for the petitioner that the learned court below has allowed the prayer and granted maintenance on the lower scale whereas it should have been more amount in view of the salary of the husband of the petitioner and also in view of the escalating cost of life. It has also been submitted that the husband-respondent has been delaying the disposal of the

matter though the petitioner has been appearing regularly in the suit.

After considering the submissions and perusal of the impugned order, it is manifest that the amount of Rs.6,000/- for the petitioner and her son has been allowed by the learned court below alongwith litigation cost of Rs.15,000/- in one lumpsum after considering the materials produced by the parties. This Court has not been persuaded to find any error of jurisdiction or illegality committed by the learned court below in passing the impugned order. This Court is not inclined to interdict the impugned order invoking the jurisdiction under Article 227 of the Constitution of India.

The application is, accordingly, dismissed.

However, the petitioner is set at liberty to pray before the learned court below itself for enhancement of maintenance in accordance with law in view of the changed circumstances as submitted on behalf of the petitioner at present. The learned court below is further directed to expedite the hearing and disposal of the matrimonial case preferably within one year keeping in view that the same is pending since 2009.

The application is accordingly dismissed with aforesaid direction.

(V. Nath, J)

Nitesh/-

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