

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.290 of 2016**

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Vijayat Kumar Dubey

.... Appellant/s

Versus

Smt. Saroja Devi @ Sarojani Devi

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Uday Kumar

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

2 16-08-2016 Heard the learned counsel, Mr. Uday Kumar, for the petitioner and the learned counsel, Mr. Tribhuwan Narayan, for the respondent-wife.

Perused the impugned order dated 05.04.2016 passed by Principal Judge, Family Court, Bhojpur at Ara in Matrimonial Case No.272 of 2011 whereby the learned Court below has directed the husband petitioner to pay Rs.10,000/- as maintenance per month under Section 24 of the Hindu Marriage Act.

The grievance of the petitioner is that he gets only Rs.22000/- per month as salary which he got on compassion ground but the Court below directed the petitioner to pay Rs.10,000/- per month.

On the other hand, the learned counsel for the wife respondent submitted that the petitioner has got income of about Rs.20,000/- as rent from the house in Kolkata and also he gets

Rs.50,000/- to Rs.60,000/- per month from the agricultural land. There is no liability and, therefore, considering all these aspects of the matter, the learned Court below has directed the petitioner to pay Rs.10,000/- per month as maintenance.

According to the learned counsel, the petitioner has not denied the existence of house in Kolkata but his only defence is that Gotia are residing there free of cost. He has also not denied the existence of house at Ara which is also on rent. In such circumstances, when the petitioner himself is not disclosing his income, the Court below has rightly directed the petitioner.

From perusal of the impugned order, it appears that the Court below on the same set of facts as is being raised by the respondent herein before this Court held that the petitioner is not disclosing his own income and the fact of existence of house in Kolkata and Ara has not been denied nor he is denying the income from the agricultural land.

In such view of the matter, in my opinion, it is not a fit case for interference in supervisory jurisdiction under Article 227 of the Constitution of India.

Accordingly, this Civil Misc. application is dismissed.

Sanjeev/-

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(Mungeshwar Sahoo, J)