

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13966 of 2015**

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Sanjay Kumar

.... .... Petitioner/s

Versus

Sudha Kumari

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Gautam Kumar Kejriwal

For the Respondent/s : Mr.

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

2 18-05-2016

Heard learned counsel Mr. Gautam Kumar Kejriwal

for the petitioner.

By the order dated 30.06.2015 the learned Additional Principal Judge, Family Court, Patna in Matrimonial Case No.43 of 2014 while allowing the application under Section 24 of the Hindu Marriage Act filed by the wife-respondent directed the petitioner to pay Rs.5,000/- as maintenance to the minor daughter and so far the maintenance to the wife is concerned, the court below held that the wife is employed as Assistant in Patna Civil Court and is getting Rs.30,000/- per month.

The only grievance of the petitioner is that under Section 24 of the Hindu Marriage Act the Court has no jurisdiction to grant maintenance to the children of the spouse. So far this objection is concerned, it may be mentioned here that in the case of **Rita Dutta & Another Vs. Subhendu Dutta, 2005 (4) PLJR**

**67 (SC)** the wife filed application under Section 24 of the Hindu Marriage Act claiming Rs.25,000/- per month for herself and her two sons. The trial court granted Rs.3,000/- to the wife, Rs.2,500/- to the younger son and Rs.5,000/- to the elder son. The High Court held that since the wife has sufficient income granted the maintenance to the two sons only and also reduced quantum to the sons of the spouse. The Supreme Court set aside the order of the High Court and restored the order passed by the court below.

In view of the above position laid down by the Hon'ble Supreme Court it cannot be said that the Court has no jurisdiction to grant maintenance under Section 24 of the Hindu Marriage Act to the children of the spouse. Admittedly, the minor daughter of the petitioner is residing with the wife. Therefore, the objection of the petitioner is misconceived and accordingly, this writ application is dismissed.

**(Mungeshwar Sahoo, J)**

Harish/-

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