

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12800 of 2014

1. Deyendra Kumar Mishra Son of Amar Nath Mishra Resident of Village -
Khokhra, P.O. Rajpur, P.S. Kalyanpur, District - East Champaran, Presently
residing at Mohalla - Pankha Toli, P.O. Ramna P.S. Kazi Mohammadpur, District
Muzaffarpur

.... Petitioner/s

Versus

1. Madhu Kumari Daughter of Mod Nath Jha Resident of Village - Shahi
Meenapur, P.S. Aurai, District - Muzaffarpur

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Adv

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 06-09-2016

Heard learned counsel for the petitioner.

The present application has been filed by the husband-
petitioner assailing the order passed under Section 24 of the Hindu
Marriage Act directing the husband-petitioner to pay Rs. 350/- by
way of litigation cost on each date fixed in the case.

The fact is not in dispute that the matrimonial case for
divorce has been filed, and the wife-opposite party has filed a
petition under Section 24 of the Hindu Marriage Act for payment of

litigation cost by the petitioner. The learned court below has allowed the prayer to the extent of payment of Rs. 350/- on each date by way of litigation cost to the opposite party.

After considering the submissions, this Court is not impressed to interfere with the impugned order on the ground that the amount is excessive which is the only submission forwarded on behalf of the petitioner. The learned counsel for the petitioner has also expressed his inability to inform this Court regarding compliance of the impugned order so far. In view of the fact that there was no interim order for stay of the operation of the impugned order and there is also no submission on behalf of the petitioner that the petitioner ever approached the learned court below for review of the order on the ground that the amount so fixed in the facts and circumstances was excessive, this Court in exercise of its supervisory jurisdiction under Article 227 of the Constitution of India cannot embark upon the disputed question of fact regarding the amount being excessive in nature which necessarily involves the determination of the disputed question of fact. This Court therefore is not inclined to interfere with the impugned order. The application, is, accordingly, dismissed.

However, this order shall not prejudice the petitioner to seek redressal of his grievance with regard to excessive nature of the

amount, if permissible in law, in the court below itself.

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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Transmission Date	N.A.

