

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9085 of 2014

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Bamjit Kumar, Son of Kamta Prasad Resident of Village-Sawazpura More
Phulwari Sharif Khagaul Road Police Station-Phulwari Sharif Post Office-Khagaul
District-Patna.

.... Petitioner.

Versus

Smt. Shivani Devi wife of Sri Bamjit Kumar and Daughter of Sri Radha Mohan
Gupta at Present residing in Prameshwar Singh lane, West Lohanipur Post
Office+Police Station-Kadamkuan District-Patna.

.... Respondent.

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Appearance :

For the Petitioner/s : Mr. Dhananjay Prasad

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 02-05-2016

V.Nath, J.

The learned counsel for the petitioner submits that
the amount of interim maintenance under Section 24 of the Hindu
Marriage Act as directed by the impugned order has been paid by the
petitioner up-to-date to the opposite party.

Heard the learned counsel for the petitioner.

The present application under Article 227 of the
Constitution of India has been filed by the petitioner calling in
question the order passed under Section 24 of the Hindu Marriage Act
in Matrimonial Case No.901/2012 by the Family Court, Patna
directing the petitioner to pay a sum of Rs.7,000/- per month to the
opposite party towards her maintenance pendente lite.

The present petitioner has filed the aforesaid



matrimonial case for a decree of divorce against his wife-opposite party. On an application filed by the opposite party under Section 24 of the Hindu Marriage Act the prayer for grant of interim maintenance has been allowed by the impugned order. The learned counsel appearing for the petitioner has submitted that the sister of the opposite party is also getting a maintenance from her husband and the opposite party alongwith her sister carries on a business in a shop and therefore the opposite party is earning for her livelihood. Commenting upon the father of the opposite party, learned counsel has made certain submissions which this Court desists to record. However, in view of the fact that the petitioner has stated before this Court that the amount of interim maintenance has been paid up-to-date by the petitioner to the opposite party, this Court finds it fit and proper that the matrimonial case itself be directed to be decided expeditiously.

In result, this Court has not been persuaded to interfere with the impugned order on the basis of the submissions made on behalf of the petitioner. However, this application is disposed of in view of the stand of the petitioner that the amount of interim maintenance as directed by the impugned order has already been paid up-to-date with a direction to the learned court below to expeditiously proceed with the matrimonial case and dispose it of preferably within a period of six months.

The writ application is disposed of.

(V. Nath, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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