

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9638 of 2013

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1. Radha Krishna Singh @ Rupesh Kumar Singh S/O Late Baikunth Singh
Resident Of Village - Jina, P.S. - Nasriganj, District - Rohtas
..... Petitioner/s

Versus

1. Shila Devi W/O Radha Krishna Singh @ Rupesh Kumar Singh, D/O
Ram Narayan Singh Resident Of Village - Jina, P.S. - Nasriganj, District -
Rohtas; Permanent Resident Of Village - Ugar Bigha, P.S. - Sasaram (M),
District - Rohtas; At Present Village - Akorhigola, P.S. - Akorhigola,
District - Rohtas (Renter In The House Of Anugrah Narayan Singh)
2. Sachida Singh @ Sachida Nand Singh S/O Tishar Singh @ Tishwar
Singh Resident Of Village - Jamori, P.S. - Natwar, District - Rohtas
..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Subash Kumar, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 27-06-2016 Heard learned counsel for the petitioner.

The instant petition has been filed against the order dated 14.03.2013 passed by learned Principal Judge, Family Court, Rohtas at Sasaram in Matrimonial Case No. 69/2012 whereby and whereunder the court has allowed Rs. 1000/- per month by way of ad interim maintenance and also granted Rs. 5000/- litigation cost.

Learned counsel for the petitioner has submitted that Respondent/O.P. Shila Devi who happens to be his estranged wife has re-married and on account thereof, she is not entitled to have order of ad interim maintenance, the order impugned. The aforesaid issue will need collection of evidence which could

properly be collected by the learned lower court and on account thereof, giving a liberty to the petitioner to file petition on that very score, before the learned lower court and if so filed, the learned lower court will thoroughly enquire into the matter in the background of the fact that the instant Matrimonial Suit for divorce has been filed on the ground of adultery and will decide the issue.

The instant petition is disposed of with the aforesaid observation.

(Aditya Kumar Trivedi, J)

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