

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3415 of 2015

=====

Jitendra Kumar

.... Petitioner/s

Versus

Smt. Seema Singh

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ganjendra Kumar Singh

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

3 08-03-2016 1. Heard the learned counsel, Mr. Udit Narayan, for the petitioner and the learned counsel, Mr. Nityanand Mishra, for the respondent.

2. By the impugned order dated 19.01.2015, the learned Addl. Principal Judge, Family Court, Patna directed the petitioner to pay Rs.4000/- as maintenance cost to the son and to pay Rs.9000/- as litigation cost in addition to Rs.5000/- granted in other matrimonial case being Matrimonial Case No.55 of 2006 filed by the wife respondent.

3. It appears that earlier both the matrimonial case, one filed by the husband and the other filed by the wife were running at two different places, at Bhuj in Gujarat and other at Patna, Bihar. The Supreme Court directed that both the case should be heard at Patna and, therefore, now both the cases are pending



before the Principal Judge, Family Court, Patna. Earlier two separate orders were passed under Section 24 of the Hindu Marriage Act in both the matrimonial case. The High Court in C.W.J.C. No.8460 of 2011 by terms of order dated 18.05.2011 directed the additional Principal Judge, Family Court Patna to pass one order relating to maintenance as both the suits are between one and the same party and, therefore, the Court below considering the pros and cons and submissions of the parties passed the impugned order. In no case, it can be said the Court has no jurisdiction to pass interim maintenance under Section 24 or that it occasioned any failure of justice. Therefore, no case for interference in supervisory jurisdiction is made out.

4. Thus this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

U		T	
---	--	---	--