

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13931 of 2015

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Praveen Kumar

.... Petitioner/s

Versus

Smt. Archana Kumari

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms. Rina Sinha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 17-05-2016 Heard the learned counsel, Ms. Rina Sinha, for the petitioner.

The learned Principal Judge, Family Court Patna in Matrimonial Case No.959 of 2012 directed the petitioner to pay Rs.6000/- per month as maintenance under Section 24 of the Hindu Marriage Act.

It appears that Matrimonial case was filed by the wife respondent and in that case an application under Section 24 of the Hindu Marriage Act was filed claiming maintenance on the ground that the wife has got no source of livelihood whereas the husband is working in New Delhi and his monthly salary of Rs.50,000/- per month. Besides the above, the earning of the husband is Rs.1.5 lakh per annum from agricultural land.

The Court below after hearing the parties and considering the case and allegation made by the parties and considering the

day to day expenses and need directed the petitioner to pay Rs.6000/- per month as maintenance.

The Hon'ble Supreme Court in the case of *Rina Dutta Vs. Subhendu 2005 (4) PLJR 67* has held that **'when the husband is not disclosing his income, the statement made by the wife is to be accepted.'** In the present case the only defence of the petitioner is that he has left the job. The Patna High Court also in the case of *Veena Kumari Vs. Sri Kant Sanjay 2004 (4) PLJR 533* has held that **'when husband is avoiding to declare his income, the contention of the wife about the earning of the husband is to be accepted.'** A Division Bench of this Court in *2003 (4) PLJR 523* has held that **'in exercise of supervisory jurisdiction the Court cannot hold Panchayati and fix maintenance amount under Section 24 of the Hindu Marriage Act.'**

In view of the above settled proposition of law, the learned Court below has passed the order considering the submissions of the parties, therefore, in supervisory jurisdiction the order cannot be interfered with.

Accordingly, this writ application is dismissed.

Sanjeev/-

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(Mungeshwar Sahoo, J)