

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11585 of 2014

In
C.R. 86 of 2014

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Ranjit Kumar Gupta

.... Petitioner/s

Versus

Kumari Soni

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jagdish Prasad

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

5 22-02-2016 Heard the learned counsel, Mr. Jagdish Prasad for the
petitioner.

The husband-petitioner has filed this application under Article 227 of the Constitution of India against the order dated 07.04.2014 passed by Principal Judge, Family Court, Patna in Matrimonial(Divorce) Case No.582 of 2010 whereby the Court below has directed the petitioner to pay maintenance at the rate of Rs.5,000 per month under Section 24 of the Hindu Marriage Act and also granted lump sum Rs.20,000 as litigation cost.

From perusal of the impugned order, it appears that for ascertaining the monthly income of the husband, both the parties adduced evidences as it is the case of the wife that husband's monthly earning is Rs.50,000. The Court below considered the evidences i.e. four witnesses examined by the wife and five



witnesses examined by the husband and thereafter, found that the husband himself has admitted that he has one readymade cloth shop in his family portion and that he also admitted that he is getting Rs.1700 per month and after appreciation of the evidences, the Court below directed the husband to pay the amount as aforesaid.

Therefore, while sitting in supervisory jurisdiction, this Court cannot reappreciate the evidences as if this Court is exercising a jurisdiction as first appellate court. Likewise, this Court cannot reappreciate the evidence and record its own finding.

So far the submission of the learned counsel for the petitioner that the application under Section 24 of the Hindu Marriage Act was filed on 06.07.2011 but the court below granted maintenance from the date of 06.07.2010 i.e. one year prior to filing the application under Section 24 of the Hindu Marriage Act is concerned, it may be mentioned here that the Court below clearly stated that maintenance pendente lite from the date of filing of the petition i.e. 06.07.2010 which appears to be a typing mistake as application was filed on 06.07.2011, therefore, in place of 2011, it might have been typed as 2010. If that be so, the Court below shall correct the same.

In view of the above position, I do not find any reason

to interfere with the order passed by the Court below.
Accordingly, this writ application is dismissed. The Court below is directed to see that the order impugned is strictly complied with by the husband-petitioner.

(Mungeshwar Sahoo, J)

Saurabh/-

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