

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17172 of 2015

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Rajeev Kumar

.... Petitioner/s

Versus

Mala Kumari

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 24-06-2016 Heard the learned counsel, Mr. Chandrakant, for the
petitioner.

By the impugned order dated 5.08.2015, the learned
Principal Judge, Family Court, Vaishali at Hajpur has directed the
petitioner to pay Rs.4000/- per month as maintenance under
Section 24 of the Hindu Marriage Act and Rs.500/- per date
litigation cost.

The grievance of the petitioner is that the Court below has
nowhere recorded a finding that what is the monthly income of the
petitioner as according to the petitioner, he is labour.

Perused the order passed by the Court below.

It appears that the contention of the wife was that the
petitioner has 2.5 biggha land in his share wherefrom he is earning
more than 2.5 lakh and he is earning Rs.15,000/- per month from

the factory where he is employed.

Considering all these aspects of the matter, the Court below directed the petitioner to pay Rs.4,000/- per month and Rs.500/- per date as litigation cost.

It may be mentioned here that except the denial, the petitioner did not produce anything regarding his income. In other words, he is clearly avoiding to disclose his monthly income. In such circumstances, in my opinion, the learned Court below considering the day to day expenses has rightly directed the petitioner to pay the said amount.

As such in supervisory jurisdiction, this Court cannot hold Panchayati to either fix the rate of monthly maintenance or the litigation cost. Thus, it warrants no interference in exercise of supervisory jurisdiction.

Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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