

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1530 of 2016**

Manoj Pandey

.... Appellant/s

Versus

Rekha Devi

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Aditya Narayan Singh-1

For the Respondent/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

2 22-12-2016

Heard learned counsel for the petitioner.

Perused the impugned order dated 30.09.2016 passed by the learned Principal Judge, Family Court, Ara in Matrimonial Divorce Case No. 225 of 2013 whereby the learned court below allowed the application filed by the wife (respondent) under Section 24 of the Hindu Marriage Act and directed the petitioner to pay Rs.4000/- per month as maintenance.

From perusal of the impugned order it appears that the court below found that the wife although has stated that her husband is a rich person but has not disclosed his monthly income. At the same time the court below also found that the husband is not disclosing his income. At the time of hearing of this miscellaneous application, learned counsel for the petitioner submitted that the petitioner is an unemployed and has no earning. Therefore, in view of the above fact that the petitioner himself is



not disclosing his monthly income, the allegation made by the wife is to be accepted as true. This Court in the case of Veena Kumari –v- Srikant, 2004(4) PLJR 533, has held that when the husband is not disclosing his income, the allegation made by the wife is to be accepted.

In the present case, the court below considered that in the application under Section 125 Cr.P.C. no interim order was passed and the wife has got no source of income.

In view of the above facts and circumstances of the case and considering day to day expenses in these days and price rise in no case it can be said that the maintenance at the rate of Rs. 4000/- is arbitrary or excessive and moreover while exercising jurisdiction under Article 227 of the Constitution of India the High Court cannot hold Panchayati and determine the quantum of maintenance.

Thus, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction under Article 227 of the Constitution of India.

Accordingly this miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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