

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17675 of 2015

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Guddu Singh

.... Petitioner/s

Versus

Shanti Devi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Nandan Sahay

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 31-03-2016 Heard learned counsel Mr. Ravi Shankar Sahay for the
petitioner.

By order dated 27.08.2015 the learned Principal Judge,
Family Court, Bhabua directed the petitioner to pay maintenance
of Rs,2,500/- per month to the wife and Rs.1,000/- alternative
month as litigation cost in Matrimonial Case No.127 of 2013.

The grievance of the petitioner is that the court below did
not discuss the point raised by the petitioner and did not consider
the fact that only income of Rs.30,000/- per year was there as the
petitioner has only 4 bigha land in joint family.

Perused the impugned order dated 27.08.2015. It appears
that the court below has passed the reasoned order and has also
taken notice of the submission and statements made in the
rejoinder regarding 4 bigha of land and income of Rs.30,000/- per
year and thereafter passed the reasoned order.

The Hon'ble Supreme Court in the case of **Jai Singh and others Vs. Municipal Corporation of Delhi and another, (2010) 9 Supreme Court Cases 385** has held that the High Court cannot lightly or liberally act as an appellate court and re-appreciate the evidence. Generally it cannot substitute its own conclusion for the conclusion reached by the court below or the statutory/quasi judicial tribunals. The correctional jurisdiction can be exercised in cases where orders have been passed in grave dereliction of duty or in flagrant abuse of fundamental principles of law or justice.

In view of the above position this Court cannot fix the monthly maintenance, particularly in these years when the court below has only granted Rs.2,500/- per month. I, therefore, find no reason to interfere with the impugned order in supervisory jurisdiction.

Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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