

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.259 of 2017**

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1. Madhuri Devi, wife of Chakreshwar Sharma, resident of 54, Kavi Raman Path, Nageshwar Colony, PS- Budha Colony, District- Patna.

.... Appellant/s

Versus

1. Chakreshwar Sharma, Son of Late Binda Singh, through Superintendent of Police at present posted as Sub Inspector of Police Town Police Station, District- Jehanabad.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arun Kumar Singh

For the Respondent/s : Mr.

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

ORAL ORDER

2 16-02-2017

Heard the learned counsel for the petitioner.

The learned counsel for the petitioner submitted that admitted income of the husband-respondent is Rs. 35,000/- but the learned Additional Principal Judge, Family Court, Patna vide order dated 30.11.2012 directed the husband-respondent to pay Rs. 5,000/- per month as interim maintenance under Section 125 Cr.P.C..

From perusal of the impugned order dated 30.11.2012, it appears that the court below considered all the facts and then directed the husband to pay Rs. 5,000/- as interim maintenance. Admittedly, Section 125 Cr.P.C. proceeding is pending. Now therefore, the High Court cannot hold Panchayati in exercise of



supervisory jurisdiction and fixed the interim maintenance under Section 125 Cr.P.C.. In no case, it can be said that it is not sufficient to maintain the petitioner during the pendency of the maintenance case under Section 125 Cr.P.C.. As such, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction.

Thus, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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