

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.348 of 2017**

Priyanka Devi, W/o Kaushal Kishor Gautam, D/o Mahadeo Mishra, R/o Village- Belwan, PO- Awariya, PS- Bettiah Mufassil, District- West Champaran Appellant

Versus

Kaushal Kishor Gautam, S/o Birendra Prasad Singh, R/o Purani Gudari, Ward No.9, PO+PS- Bettiah Town, District- West Champaran Respondent

Appearance :

For the Appellant/s : Mr. Chandra Kant

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 08-11-2017 Because of a trivial dispute, it appears that the Divorce Case No. 138 of 2007 is unnecessarily pending in the Family Court.

It is the case of the petitioner that in the light of the order of this Court, dated 26.09.2016, passed in Civil Miscellaneous Jurisdiction No. 915 of 2016, the Court below cannot proceed with the said matrimonial case for divorce till the entire arrears of maintenance allowance is paid by the respondent to the petitioner.

Learned Counsel for the petitioner submits that a total sum of Rs. 56,800/- is payable by the respondent to the petitioner against arrears of the maintenance allowance.

Learned Counsel for the petitioner states that subject to any objection to be raised by the respondent on the point of calculation, the respondent shall deposit the said amount of Rs.



56,800/- by way of demand draft, to be presented before the learned Court below for being handed over to the petitioner, on the next date fixed by the learned Court below, in Divorce Case No. 138 of 2007.

I further direct that once the said demand draft is presented before the Court below, the Court below shall not grant any unnecessary adjournments and strive to dispose of the case expeditiously.

Exercising jurisdiction under Article 227 of the Constitution of India, in the facts and circumstances of the case, I direct the learned Court below to allow the parties to adduce their evidence and proceed for expeditious disposal.

The parties are hereby directed to remain vigilant in pursuing their case and in case, any of the parties fail to appear before the Court below to pursue their respective cases, the Court below shall be at liberty to pass appropriate orders.

The impugned order, dated 12.01.2017 and order, dated 29.06.2016, stands modified to the extent indicated above.

This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

Prabhakar Anand/-

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