

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.235 of 2017**

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Krishan Bhagwan Pathak

.... Petitioner/s

Versus

Shail Kumari Devi & Anr

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr.

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

2 09-02-2017

Heard the learned counsel for the petitioner.

The learned counsel, Mr. Aditya Narayan Singh-1 for the petitioner submitted that in fact, the petitioner has sold his landed property in the year 2007 and 2008 and then paid the amount of Rs.2,70,000/- towards the arrears of maintenance but the learned court below by the impugned order dated 29.08.2016 passed by Principal Judge, Family Court, Ara in Misc. Case No.280 of 1997 directed the Bank to deduct Rs.2,000(current) + Rs.8,000(towards arrears) from the Bank account of the petitioner.

From perusal of the impugned order and the orders passed by the Supreme Court, which is also made Annexure 2 to this civil miscellaneous application, it appears that maintenance case was decided by the Supreme Court finally and directed this petitioner to pay Rs.1,000/- to the respondent No.1 and Rs.1,000/- to the respondent No.2 i.e. total Rs.2,000/-. According to the



respondent No.1, the petitioner has not paid the arrears of maintenance upto Rs.1,05,300/-. The court below passed the impugned order for enforcing the payment of maintenance and payment of the arrears amount i.e. Rs.2,000/- + Rs.8,000/- per month. At the time of hearing of this civil miscellaneous application, the petitioner admitted that the petitioner gets Rs.22,000/- as pension. According to the petitioner, out of said Rs.22,000/-, house loan is recovered at Rs.8,000/- and odd per month. The further ground is that the amount of arrears claimed by the respondent is also not properly calculated and the amount which has been paid by the petitioner after selling the landed property has also not been adjusted.

So far these grounds are concerned, this court in supervisory jurisdiction cannot calculate the arrears of the maintenance. If at all there is any arrear and what is the amount of the arrear, the petitioner may file the chart or date of payments with amounts paid and may pray before the court below showing what amount is in arrear. So far payment of the amount after selling the property to the amount of Rs.2,70,000/- is concerned, before this court neither any chit of paper has been produced to show that the said amount was paid and moreover, when the respondent-wife is saying that only Rs.1,05,300/- is dues, why the



petitioner paid Rs.2,70,000/- is not clear. Therefore, in supervisory jurisdiction, this aspect of the matter cannot be gone into.

So far the impugned order is concerned, there is no jurisdictional error and the court below has only passed the order to enforce the payment of maintenance and the arrears of amount.

Thus, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Accordingly, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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