

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.247 of 2017

Md. Sabir

.... Appellant/s

Versus

Firdaus Bano & Anr

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Saroj Kumar Sharma

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

- 2 10-02-2017 **1.** Heard the learned counsel, for the petitioner.
- 2.** Perused the impugned order dated 03.09.2016 passed by learned Principal Judge, Family Court, Vaishali at Hajipur in Maintenance Case No.130 of 2014 whereby the learned Court below directed the petitioner to pay Rs.5000/- per month to the respondents, i.e., wife and the daughter of the present petitioner as interim maintenance in exercise of jurisdiction under Section 125 Cr.P.C.
- 3.** The only grievance of the petitioner is that he is not capable of paying the maintenance of Rs.5000/- per month. So far this submission of the learned counsel for the petitioner is concerned, it may be mentioned here that while exercising jurisdiction under Article 227 of the Constitution of India, the High Court cannot hold Panchayati and fix the quantum of



maintenance under Section 125 Cr.P.C.

4. Admittedly, the respondent No.1 is the wife and respondent No.2 is the daughter of the petitioner, therefore, in these days considering the expenses and day to day affairs, in no case it can be said that for two persons, the maintenance Rs.5000/- is excessive or exaggerate.

5. Thus, I find no reason to interfere with the impugned order. Accordingly, this Civil Misc. application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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