

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16520 of 2016

In
MA 455 of 2014

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Rakesh Kumar Mishra

.... Petitioner/s

Versus

Smt. Arpita

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Jha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

5 25-01-2017 Heard the learned counsel for the petitioner.

Perused the impugned order dated 16.06.2014 passed by the learned Principal Judge, Family Court, Patna in Matrimonial(Divorce) Case No.650 of 2013 whereby the learned Principal Judge has directed the husband to pay Rs.5,000/- per month to the wife-respondent and Rs.2,000/- per month to the minor daughter in exercise of jurisdiction under Section 24 of the Hindu Marriage Act.

From perusal of the impugned order, it appears that the wife alleged that the petitioner is a lecturer in Government Aurvedic College and is getting Rs.60,000/- per month as salary. The husband-petitioner only denied this income per month and did not disclose what is the income per month. In this application also, he is not disclosing actually what is the monthly income. The



Court below, therefore, relying on the case of the wife accepted the income of the husband and has directed, as stated above.

This Court in the case of **Veena Kumari v. Srikant @ Sanjay, (2004) 4 PLJR 533** has held that when the husband is avoiding to declare his income, the contention of the wife has to be accepted.

Therefore, I find no illegality in the impugned order. Admittedly, the petitioner is the lecturer in Government Aurvedic college.

Thus, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction and accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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