

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48247 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- SARAN

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Sanjay Kumar S/o Late Lal Babu Prasad, Resident of Village Barbatta, P.S. Sonpur,
District Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Minni Devi D/o Ram Sewak Prasad Resident of Village Barbatta, P.S. Sonpur,
District Saran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar, Adv.

For the Opposite Party/s : Mr. Rajendra Singh Shastrijee, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 13-10-2017

Heard learned counsel for the petitioner and learned
APP for the State.

By the impugned order, the learned Principal Judge,
Family Court, Chapra has awarded ad interim payment of Rs.2000/-
per month as maintenance to the opposite party no.2 and her daughter.

Learned counsel for the petitioner firstly takes a plea
that an application was filed under Section 24 of the Hindu Marriage
Act for interim maintenance without there being any proceeding under
the Hindu Marriage Act, hence the application itself was not fit to be
considered. He further submits that the main application was filed
under Section 125 Cr.P.C. in which proceeding the application was



filed under Section 24 of the Hindu Marriage Act.

This Court is of the considered opinion that mere leveling of the wrong Section in the petition would not render the said petition not maintainable or entertainable. Petitioner is the husband as being claimed by the opposite party no.2. The impugned order is a well reasoned order keeping in mind the income of the petitioner and by no stretch of imagination a sum of Rs.2,000/- per month as maintenance may be said to be excessive. There is no illegality or infirmity in the impugned order.

The application is dismissed.

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	
CAV DATE	
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