

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17254 of 2013

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Anil Kumar S/O Birendra Prasad Resident Of Village- More Sarai, P.S-
Sherghati, District- Rohtas At Sasaram.

.... Petitioner

Versus

Malti Devi W/O Anil Kumar Resident Of Village- More Sarai, P.S-
Sherghati, District- Rohtas At Sasaram, At Present D/O Bhara
Chandrabanshi Resident Of Village- Baradih (Aklhauri Gola), P.S- Akhauri
Gola, District- Rohtas At Sasaram.

.... Respondent

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Appearance :

For the Petitioner : Mr. Narendra Kumar, Advocate

For the Respondent : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 11-12-2017 This application has been filed to quash the order dated
05.07.2013 passed by learned Principal Judge, Family Court,
Rohtas at Sasaram in Matrimonial Case No.186 of 2010 whereby
and whereunder the learned Principal Judge allowed the petition
dated 20.02.2013 filed by the Opposite Party. The petitioner who
is husband of respondent has been directed to pay an amount of
Rs.1500/- per month as interim maintenance besides an amount of
Rs.5,000/- in lump sum as cost of litigation.

2. Heard learned counsel for the petitioner and perused
the impugned order.

3. It has been submitted that the petitioner is ready to
keep the respondent and her two female children. But on account
of rigid attitude, the respondent is residing at the place of her
parents and not willing to come at the place of petitioner. The



petitioner is a poor labourer and earns his livelihood from the daily wages and he is not in a position to pay such amount for her maintenance. The learned counsel has prayed to quash the impugned order.

4. On perusal of the impugned order, it appears that the petitioner is admittedly not maintaining his wife and two female children and the respondent is residing at the place of her parents. The petitioner has filed a divorce case against the respondent in which the wife appeared and filed a petition under Section 24 of the Hindu Marriage Act. The court below considering the need of the respondent has allowed the petition and directed the petitioner to pay an amount of Rs.5,000/- lump sum as litigation cost to contest the case and further Rs.1,500/- for maintenance of the respondent and her children. The amount of interim maintenance and litigation cost does not appear exaggerated in present economic scenario. As such, I do not find any illegality in the impugned order requiring any interference.

5. In the facts and circumstances of the case, this application is dismissed.

(Sanjay Kumar, J)

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