

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.2095 of 2017**

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Sri Hemant Kumar, Son of Sri Basant Kumar, resident of Mohalla- Naya Gaon, P.S-Alamganj, District-Patna.

... .. Applicant/Petitioner

Versus

Smt. Deep Lakshmi Kumari, Wife of Sri Hemant Kumar and Daughter of Sri Upendra Kumar at present residing at P.C Colony, Kankarbagh, House No. D-104, P.O- Lohia Nagar, P.S- Kankarbagh, District- Patna.

... .. Opp. Party/Respondent

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Appearance :

For the Appellant/s : Mr. Pratik Kumar Sinha
For the Respondent/s : Mr. M. Apurv Harsh

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT**

Date : 07-06-2018

Heard learned counsel for the petitioner and counsel for the respondent.

In this case, the petitioner is challenging the order dated 30.8.2017 passed by Additional Principal Judge, Family Court, Patna in Matrimonial Case No. 641 of 2012, whereby and whereunder, the court below directed the petitioner to pay monthly interim maintenance of Rs. 20,000/-.

Learned counsel for the petitioner submits that though he was earlier working in the H. V. Transmission Limited, Jamshedpur, a sister concern of TATA, he met with an accident in the year 2010, he recovered fully but, for higher education, tendered his resignation and now raising a plea that he is unemployed and, as such, he is unable to pay the interim maintenance of Rs. 20,000/- per month but, from the order of the court below, it appears that the petitioner is a Director of one of the Company in the name and style of MERITOS



EDUSERVE PRIVATE. LIMITED., Naya Gaon, N.M.C.H. Road, Patna. The court below has also recorded in detail that he has tendered resignation for the higher study as well as he is running a Company but, a claim has been made by the petitioner that the Company is not running in profit but, no detail has been produced before this court to show that the Company is in what manner, it is running in a loss. At the same time, the petitioner has also not brought any material to show about the corpus status of his property or the joint family property.

This order has been passed taking into consideration the wife and her 9 years old daughter who must be a school going girl and they are personally present before this Court. It is the duty of the husband and the father of a child not only to maintain his wife but also to the girl child who is in a stage of school going.

Learned counsel for the petitioner submits that the petitioner is ready to pay Rs. 15,000/- per month by way of interim maintenance whereas learned counsel for the respondent submits that it should be paid at the rate of Rs. 18,000/- till date and for future, he may be allowed to pay Rs. 15,000/- per month.

In view of the aforesaid submissions, let the petitioner should pay at the rate of Rs. 18,000/- till date and Rs. 15,000/- from today.



It is made clear that the petitioner must pay the arrear within a period of two months in four equal installments and the first installment must be paid by the petitioner within a period of fifteen days from today, the next installment in next fifteen days and, in the same gap, in that manner, all the arrear must be paid. In failure to make first installment, the court below will be at liberty to take all possible action against the petitioner.

Learned counsel for the petitioner has raised a grievance that the divorce case is pending since long.

In that view of the matter, this Court directs that the divorce case should be disposed of expeditiously preferably within a period of six months from today and both the parties are also directed to cooperate in the early disposal of the case.

The present order for maintenance would remain operational till the final outcome of the divorce suit being Matrimonial Case No. 641 of 2012.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.06.2018
Transmission Date	NA

