

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1695 of 2017

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1. Ganga Mahto Son of late Khago Mahto Resident of village- Sngrampur,
Police Station- Chanan, District- Lakhisarai.

.... Appellant/s

Versus

1. Ano Devi Wife of Ganga Mahto Resident of village- Sngrampur, Police
Station- Chanan, District- Lakhisarai.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Jainendra Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 04-10-2018

Heard the learned counsel for the petitioner.

The petitioner has filed this Civil Misc. petition against the order dated 05.05.2017 passed by learned Principal Judge, Family Court, Lakhisarai in Maintenance Case No. 27 of 2015 by which the petitioner has been directed to pay a sum of Rs. 2500/- per month to his wife as maintenance.

The learned counsel for the petitioner submits that petitioner is suffering from heart disease. The wife of petitioner filed case under Section 498A of the IPC against the petitioner after 56 years of marriage. Thereafter, the wife filed Maintenance case before the Principal Judge, Lakhisarai. The wife is living with her sons and also getting income from matrimonial property. The petitioner has got no other source of income save and except



pension but I find that petitioner retired from the post of Block fitter of Indian Railway and is getting pension. The petitioner left his wife in lurch. The petitioner is not parting any money for maintenance of his wife compelling the wife to file maintenance case. Therefore, I find that the order by which the petitioner was directed to pay Rs. 2500/- per months as maintenance to his wife does not require any interference.

Considering the facts aforesaid, I do not find any illegality or jurisdictional error in the impugned order. This Civil Misc. petition is, accordingly, dismissed.

(Prabhat Kumar Jha, J)

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