

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20085 of 2014

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Keshav Mukherjee Son of Late Ashutosh Mukherjee, Resident of K.P. Sarkar Road Police Station - Jakkanpur, Town and District - Patna.

... .. Petitioner/s

Versus

Bharti Mukherjee @ Julie Wife of Keshav Mukherjee and Daughter of Sri Kashinath Banerjee, Resident of Hari Mandir Gali, Patna City, Police Station - Chowk, District - Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Mishra, Advocate Mrs. Priya, Advocate
For the Respondent/s	:	Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL JUDGMENT

Date : 26-11-2018

This application has been filed for quashing the order dated 03.07.2014 passed by the learned Principal Judge, Family Court, Patna in Matrimonial Case No.300 of 2013 whereby and whereunder this petitioner who is husband of respondent was directed to pay a sum of Rs.5,000/- per month for the maintenance of the respondent and her daughter from the date of filing of the petition and Rs.10,000/- in lumpsum towards cost of litigation.

2. Heard learned counsel for the petitioner.

3. The Opposite Party filed the aforesaid case for dissolution of marriage under Section 13 of the Hindu Marriage Act. During the pendency of the suit, she filed a petition under Sections 24 and 26 of the Hindu Marriage Act for grant of maintenance pendente lite to the tune of Rs.20,000/- per month



and Rs.25,000/- by way of litigation cost. The learned court below as per impugned order allowed the said petition.

4. On going through the impugned order and documents on record, I find that the specific case of wife is that her husband is Class-III employee posted as Record Clerk in LIC at Patna getting a sum of Rs.40,000/- per month. Besides that he has moveable and immoveable properties and he is getting income to the tune of Rs.1,00000/- per annum.

5. It has been submitted that the daughter of the petitioner has been married and so the wife is not entitled to maintenance on this count. The salary slip of husband was filed before the court below. It appears that the Opposite Party was getting gross salary of Rs.31,650/- per month at the relevant time and after deduction his home take salary was Rs.15149/-. The learned court below considering the salary of the husband and also the need of wife, directed the petitioner to pay a sum of Rs.5,000/- in total for the maintenance of wife and her daughter. The amount of maintenance as ordered does not appear exorbitant in view of present economic scenario. It further appears that the evidence of both the parties have already concluded and the case is likely to be disposed of after hearing argument.



6. In view of above discussions, I do not find any merit in this writ application requiring any interference in quantum of maintenance. This application is accordingly dismissed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
CAV DATE	N/A
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