

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1380 of 2017

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1. Md. Aslam Son of Nazir Ahmad, Resident of Village-Laskara, Police Station-Shahpur, District-Bhojpur.

.... Petitioner/s

Versus

1. Nasima Parvin Daughter of Late Md. Hussain @ Baul Mia, Resident of Village-Simri Halwapatti, Police Station-Simri, District-Bhojpur

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 25-08-2018 Heard learned counsel for the petitioner.

The petitioner has filed this civil miscellaneous petition against the order dated 23.05.2014 passed in Maintenance Case No.101(M) of 2013 by which the Principal Judge, Family Court, Buxar directed the petitioner to pay Rs.1500/- as ad interim maintenance to his wife.

Learned counsel for the petitioner submits that petitioner is a poor man and he is unable to pay Rs.1500/- to his wife. Petitioner has already divorced his wife according to Muslim rites and customs and, therefore, petitioner is not liable to pay any compensation to his wife. Learned Principal Judge has not considered this fact but I find no force in the submission of the learned counsel for the petitioner. The wife, being deserted by her



husband, filed petition under Section 125 Cr.P.C. for grant of maintenance and by the impugned order, during the pendency of the maintenance case, the Principal Judge has considered all the facts and the source of income of the petitioner and ordered for payment of Rs.1500/- per month as ad interim maintenance to the wife of the petitioner.

Therefore, I do not find any illegality in the order.

Accordingly, this civil miscellaneous petition is dismissed.

(Prabhat Kumar Jha, J)

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