

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.111 of 2019**

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Satyendra Kumar Verma, S/o Late Bharat Prasad, Resident of Mohalla/Vill.-
Line par, Mirzapur, opposite Line Par, Kushwaha Tola, P.S.-Nawada Town,
Dist.-Nawada

... .. Appellant/s

Versus

Neelam Kumari, W/o Satyendra Kumar Verma, Resident of Molhalla/Village-
Mirzapur Line Par, P.S.-Nawada, Distt.-Nawada, D/o Ram Das Prasad
Resident of Mohalla/Vill.-Bermi, P.S.- Nawada, Dist.-Nawada

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar Sinha, Advocate
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT**

Date : 24-01-2019

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

2. By way of the instant application preferred under
Article 227 of the Constitution of India, the petitioner has prayed
for setting aside the order dated 18.09.2018 passed by the learned
Principal Judge, Family Court, Nawada in Maintenance Case
No.100 of 2016 filed under Section 125 of the Code of Criminal
Procedure whereby he has directed the petitioner to pay the
respondent an interim maintenance of Rs.5,000/- per month along
with litigation cost at the rate of Rs.1000/- per month to be paid by
the petitioner on 10th of every month.

3. Learned counsel for the petitioner submitted that the
court below has wrongly appreciated the application filed by the



petitioner and allowed excessive maintenance amount in favour of the respondents. He contended that he has to discharge several responsibilities towards his family and savings from his salary do not permit him to part with Rs.6,000/- per month to be paid to the respondent as interim maintenance and litigation cost.

4. On perusal of the impugned order, I find that the petitioner is employed in Indian Railway and is posted at Muzaffarpur. He is drawing monthly salary of Rs.31,661/-. His marriage with the respondent is not disputed.

5. It is also an admitted position that out of their wedlock three daughters were born. The respondent has alleged that without getting any decree of divorce, the petitioner has ousted her from the matrimonial home and has married another lady. Her case is that she is unemployed and is unable to maintain herself and her minor children.

6. On perusal of the record, in the given facts and circumstances of the case, I am of the opinion that maintenance allowance awarded by the court below does not suffer from any infirmity. One can imagine the sufferings the spouse may be facing. She has not only to maintain herself but has also responsibilities towards minor children.



7. The application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.01.2019
Transmission Date	NA

