

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 4236 of 2015

Arising Out of Matrimonial Case No.- 100 Year- 2013 Thana- District- Muzaffarpur

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Dharmendra Sharma, S/o Sri Ramzee Sharma, Resident of Village-Haripur Berheta, P.S-Sarairanjan, District-Samastipur, at Present C/O Anand Kumar, Mohalla-Aamgola, Naka No.-2 West, P.S-Kazimohammadpur, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puja Sharma, D/o Ram Narayan Sharma, W/o Dharmendra Sharma, Resident of Village-Nayatola, Panchayat-Pilkhi, District-Muzaffarpur, at Present Pani Tanki Chowk, Mithanpura, Gali No.-3, Church Road, P.S-Mithanpura, District-Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Chandra Shekhar Anand, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 25-03-2019

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

2. The petitioner has moved the Court under Section
482 of the Code of Criminal Procedure, 1973 for the following
relief:

*“That, this is an application for quashing
the order dated 01.07.2014, passed by Principal
Judge, Family Court, Muzaffarpur in Matrimonial
Case No.- 100/2013 in which and whereunder the
learned Principal Judge has directed the petitioner
to deposit Rs. 5000/- (Five thousand) per month for
necessary expenses of the proceeding and also for
monthly maintenance allowance for herself since the*



date of filing of the petitioner u/s 24 of the Hindu Marriage Act.”

3. The petitioner is the husband of the opposite party no. 2. The Court below in Matrimonial Case No. 100 of 2013, which has been filed by the petitioner against the opposite party no. 2, for divorce, has allowed a petition filed by the opposite party no. 2 under Section 24 of the Hindu Marriage Act and has directed payment of Rs. 5,000/- per month and for monthly maintenance allowance from the date of filing of the petition.

4. Learned counsel for the petitioner submitted that the opposite party no. 2 is living with another person and that he has filed an application for divorce. It was submitted that without considering the same, the present order has been passed.

5. Learned A.P.P. submitted that the order is quite sound and reasonable and requires no interference.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not any merit in the present application. The order is only interim in nature for the reason that the main Matrimonial case has still not been disposed off. Thus, upon a finding being recorded, it is open to the Court concerned to pass final orders, as may be deemed necessary and appropriate in view of the materials which may come during the course of trial.



7. Further, the amount awarded by the Court below is
reasonable and does not warrant any interference.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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