

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19449 of 2015

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Santosh Kumar S/O Brahamdeo Prasad, resident of village- Habbipur, P.S.-
Parwalpur, District- Nalanda

... .. Petitioner/s

Versus

1. State Of Bihar
2. Rinku Devi D/o Son of Shiv Shankar Prasad resident of village- Shiv Nagar,
P.S.- Parwalpur, District- Nalanda

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Prasad, Adv
For the Opposite Party/s	:	Mr.manohar Prasad Singh, Adv
For the State	:	Mr.Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 18-07-2019

Heard learned counsel for the parties.

2. Opposite party No.2-Rinku Devi had filed a petition under Section 125 Cr.P.C. before the learned Principal Judge, Family Court, Nalanda at Biharsharif. The same was registered as Maintenance Case No. 34M of 2009. During pendency of the application, on 16.06.2010, the court awarded Rs.1,000/- by way of ad interim maintenance from the date of filing of the petition dated 22.01.2010. After enquiry, the court awarded final maintenance of Rs.3,000/- per month from the date of application by order dated 10.04.2012. Thereafter, the petitioner filed Misc. Case No.11 of 2012 for necessary order of adjustment of the interim maintenance in the final maintenance. The prayer has been



refused by order dated 01.09.2012 which is under challenge in this application under Section 482 Cr.P.C.

3. The prayer was refused simply on the ground that in the order whereby final maintenance was allowed there is no direction for adjustment of the interim maintenance.

4. The law is well settled that interim maintenance is part of the final maintenance. Hence, the same is adjustable against the final maintenance.

5. Accordingly, the impugned order is hereby set aside and it is directed that the amount of interim maintenance shall be adjustable against the final maintenance as ordered by the court of learned Principal Judge, Family Court, Nalanda at Bihar Sharif.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.07.2019
Transmission Date	23.07.2019

