

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1173 of 2019

Arising Out of PS. Case No.- Year-0 Thana- District- Rohtas

=====

Ranjit Kumar Sah son of Gorkh Sah, Resident of Village - Lahurbari, P.S.-
Mohania, Dist.- Kaimur (Bhabua)

... .. Petitioner

Versus

Nitu Devi wife of Ranjit Kumar Sah, daughter of Lalan Sah, at present
resident of village - Dumari, P.S.- Chenari, Dist.- Rohtas.

... .. Respondent

=====

Appearance :

For the Petitioner : Mr.Rajesh Kumar Mishra, Advocate
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 19-08-2019

Heard learned counsel for the petitioner.

2. In the instant application preferred under Articles 226 and 227 of the Constitution of India, the petitioner has challenged the order dated 15.11.2018 passed by the learned Principal Judge, Family Court, Rohtas at Sasaram in Maintenance Case No.66 of 2017 whereby he has directed the petitioner to pay rupees four thousand per month as interim maintenance to the respondent. It is not even from the date of application.

3. The contention of the petitioner is that he is working as a driver and has no other source of income. Though, the respondent had demanded only rupees three thousand per month as maintenance, the court below has directed him to pay



rupees four thousand per month. The order itself would suggest that the court below has passed the order mechanically without application of judicial mind.

4. After hearing the petitioner and perusing the materials on record, I find that there is no dispute to the factum of marriage. The petitioner admits that he was married to the respondent on 04.03.2016. Though, He has denied the contention of the respondent that he forced her to leave the matrimonial home, he admits that the respondent has filed a complaint under Section 498A of the Indian Penal Code against him. The petitioner has also not disputed the claim of the respondent that she has no independent source of income.

5. The court below took into consideration the pleadings of the parties and awarded rupees four thousand per month to the respondent as interim maintenance. The amount so awarded is not on the higher side. The very object of granting interim maintenance is to save the claimant from vagrancy and destitution. In absence of any material to show that the respondent was able to sustain herself, if the court below has awarded rupees four thousand per month, as interim maintenance, no illegality can be found with the order impugned.



6. Since the order impugned is neither illegal nor perverse, I am not inclined to interfere with the same in exercise of jurisdiction under Article 227 of the Constitution of India.

7. The application is dismissed.

(Ashwani Kumar Singh, J)

Md. S/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	23.08.2019
Transmission Date	23.08.2019

