

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1584 of 2019**

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Barun Rai @ Varun Ray Son of Triveni Rai, Resident of Village- Bishanpur Paharpur, Post Office- Shahpur Undi, Police Station- Patori, District- Samastipur, At Present residing at Baidhvati Chapdani, Palthaghat Dalhanthi Jute Mill, Police Station- Bhadesar, District- Hugali, West Bengal.

... .. Petitioner/s

Versus

1. Rani Devi Wife of Barun Rai@ Varun Rai, D/o of Narendra Kumar Rai @ Ashok Rai. Resident of Village- Chakarman Paharpur, Police Station- Patori, District- Samastipur, At Present residing at Village- Kursaha, Police Station- Mohiuddin Nagar, District- Samastipur.
2. Aditya Raj, Son of Barun Rai @ Varun Rai. Resident of Village- Chakarman Paharpur, Police Station- Patori, District- Samastipur, At Present residing at Village- Kursaha, Police Station- Mohiuddin Nagar, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Ajay Kumar Singh, Advocate.

For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 25-11-2019

The present petition has been filed *"for setting aside the order dated 02.05.2019 passed by Shri Piyush Kamal Dixit, the learned Principal Judge, Family Court, Samastipur in Maintenance Case No. 59 of 2018."*

2. Learned counsel for the petitioner submits that by the impugned order dated 02.05.2019 the learned Court below has directed payment of monthly maintenance allowance of Rs. 5,000/- to the petitioner's wife and Rs. 1,000/- to his minor son since the date of filing of the case by the 10th day of each successive month. It is submitted that such order has been passed *ex-parte* and in any



event the petitioner expresses his readiness to keep his wife and son properly with himself.

3. Learned counsel for the petitioner has however failed to show any illegality in the *ex-parte* order impugned herein nor that he was denied sufficient and proper opportunity before passing of the order. This Court is not sitting in appeal over the order of the learned Court below in order to examine the correctness of the decision. Moreover, the petitioner would be entitled to take the plea of his readiness to keep his wife and son with him, in course of the main proceeding in Complaint Case No. 1092 of 2017 said to have been filed by the respondent no. 1 under Section 498(A) and allied provisions.

4. This Court is therefore not inclined to interfere in the matter. The petition stands dismissed.

(Vikash Jain, J)

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

