

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1611 of 2018

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Mithilesh Kumar S/o Late Brijnandan Prasad Vill.- Rahimchak, P.s.- Giriyak (O.P. Pawapuri), Distt.- Nalanda at present posted as Group D Employee at Buxar Lanapur, Railway Division, Danapur.

... .. Petitioner

Versus

1. Kumari Pinki Sinha W/o Mithilesh Kumar D/o Rajendra Pd., Vill.- Rahimchak, P.s.- Giriyak (O.P. Pawapuri), Distt.- Nalanda at present address vill.- Dihera, P.s.- Rahui, distt.- Nalanda
2. Fruti Kumari d/o Mithilesh Kumar Vill.- Rahimchak, P.s.- Giriyak (O.P. Pawapuri), Distt.- Nalanda at present address vill.- Dihera, P.s.- Rahui, distt.- Nalanda.

... .. Respondents

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Appearance :

For the Appellant/s : Mr. Vikram Singh
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 26-09-2019 Heard learned counsel for the petitioner.

This application under Article 227 of the Constitution of India has been filed by the petitioner for setting aside the order dated 25.05.2018 passed by the learned Principal Judge, Family Court, Biharsharif, Nalanda in Maintenance Case No. 1(M) of 2015 whereby he has directed the petitioner to pay ad interim maintenance of Rs.3,500/- per month to the respondent no.1 from the date of the order.

Learned counsel for the petitioner submitted that the respondent no.1 is herself employed and is getting handsome salary and as such, she is not entitled to any maintenance from



her husband.

It is an admitted position that the respondent no.1 is the legally wedded wife of the petitioner, who is a Group-D employee in Indian Railway. It is also admitted that respondent no.1 is having a child in her lap. By now, it is well settled that a husband can be held liable to pay maintenance for children irrespective of his wife earning. Furthermore, the idea that a working woman is not entitled to claim maintenance is also misconceived. The order awarding an interim maintenance allowance of Rs.3,500/- per month to the respondent is neither arbitrary nor excessive.

The conclusions arrived at by the Family Court while passing the impugned order are essentially factual and are not perverse. That being so, there is no scope for interference in the present application filed under Article 227 of the Constitution of India.

The application is dismissed.

(Ashwani Kumar Singh, J)

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