

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.115 of 2020**

=====

Anupam Kumar Son of Shiv Kumar Singh Resident of Village and P.O.-
Rampur, P.S.- Surajgarha, District- Lakhisarai.

... .. Petitioner

Versus

Kajal Kumari D/o- Shailesh Kumar, Wife of Anupam Kumar Resident of
Village and P.O.- Rampur, P.S.- Surajgarha, District- Lakhisarai, at Present
resident of Village- Sabikpur, P.O.- Damodarpur, P.S. and District-
Lakhisarai.

... .. Respondent

=====

Appearance :

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

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 23-01-2020

The present application has been filed *“for setting aside
the order dated 27.11.2019 passed by the learned Principal Judge,
Family Court, Lakhisarai in Matrimonial Case No. 13 of 2019 whereby
and whereunder Principal Judge allowed the petition dated
26.06.2019 filed under Section 24 of the Hindu Marriage Act on
behalf of the opposite party and directed the petitioner (husband) to
pay Rs. 4,000/- to the opposite party.”*

2. Learned counsel for the petitioner submits that the
learned Court below ought to have appreciated that the petitioner
had filed a petition for restitution of conjugal rights and was willing
to keep the respondent with him but she had left his company. It is
submitted that the petitioner has no source of income and is
dependent upon the few *katha* of land for his livelihood. The



respondent has also filed a petition under Section 125 Cr P.C. which is pending.

3. Having heard learned counsel for the petitioner and on consideration of the materials on record, this Court is not inclined to interfere in the matter. Learned counsel for the petitioner has not disputed that the respondent also has no source of income. It is well settled that the husband is duty bound to maintain his wife, and as such the learned Court below has directed payment of Rs. 4,000/- in lump sum as *pendente lite* and also an amount of Rs. 1,500/- per month. It is also well settled that this Court does not sit in appeal over the impugned order while exercising jurisdiction under Article 227 of the Constitution of India, the scope whereof is primarily only to ensure that the learned Court below acts within the bounds of its authority. No jurisdictional error in the impugned order has been pointed out by learned counsel for the petitioner. The petition accordingly stands dismissed.

(Vikash Jain, J)

Ibrar//-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	27.01.2020
Transmission Date	NA

