

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.607 of 2019**

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Munna Yadav S/o Lal Babu Singh Vill.- Asheedhar, P.O.- Bahuwara, P.S.-
Jagdishpur, Distt.- Bhojpur

... .. Petitioner/s

Versus

Kabita Devi @ Kavita Devi W/o Munna Yadav, D/o of Late Prem Kumar
Singh, resident of Village- Dangauli, P.O.- Murar, Distt.- Buxar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhay Kumar Singh, Sr. Adv. Mr. Parmatma Singh, Adv.
For the Respondent/s	:	Mr.

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**CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT**

Date : 22-01-2020

Heard learned counsel for the petitioner and learned
counsel for the respondents.

This application is filed against the order dated
9.4.2018 passed by the learned Principal Judge, Family Court
Bhojpur, Ara in Matrimonial Case No.227/15, whereby interim
maintenance amount of Rs.10,000/- has been directed to be paid
by Petitioner husband from the date wife/Opposite Party has
filed petition u/S-24 of Hindu Marriage Act on 20-01-2018 for
granting interim maintenance amount of Rs.10,000/- per month
and Rs.5,000/- for per date appearance in the case filed by
petitioner u/S-9 of the Act for restitution of conjugal rights.

Vide impugned order dated 9.4.2018, the Principal



Judge, Family Court, Bhojpur, Ara has decided the application filed by the wife, seeking interim maintenance. The amount determined is Rs.10,000/- per month. It is not in dispute that the petitioner is gainfully employed and is serving the Defence Forces, drawing a salary of more than Rs.35,000/- per month.

As such, no error can be found with the court below in allowing the application passing an order for grant of interim maintenance. It is a settled principle of law that wife is entitled to an amount and comfort commensurate to the earning or standard of living of the husband.

As such, the impugned order 9.4.2018 cannot be said to be illegal, erroneous or perverse in any manner.

Also, it is seen that the order passed is for grant of interim maintenance and can be modified, dependent upon the prevalent attending facts and circumstances of each case.

At this stage, learned senior counsel Shri Abhay Kumar Singh states that wife is deliberately delaying the proceedings which stood instituted in the year 2015.

Well, there is nothing on record to substantiate such fact, but, be that as it may, the Judge dealing with the matter is duty bound to decide the petition expeditiously, more so in the light of the scheme and the object for bringing in the legislation,



i.e. The Family Courts Act, 1984.

It is open for the Learned counsel for the petitioner to invite attention of the Family Court while passing the order.

This Court only hopes and expects the Principal Judge, Family Court, Bhojpur, Ara to decide such application expeditiously and preferably within a period of nine months from today.

The application is disposed of.

(Sanjay Karol, CJ)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25.01.2020
Transmission Date	N/A

