

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1712 of 2019**

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Ravi Kant Prasad @ Ravi Kant Prasad Jaiswal, Son of Pundeo Prasad, resident of Village- Ghorasahan P.S.- Ghorasahan, District- East Champaran.

... .. Opposite Party/Petitioner

Versus

Guddi Devi @ Gudia Devi, wife of Ravikant Prasad daughter of Yogendra Prasad Jaiswal, resident of Village- Rajwara P.S.- Ghorasahan, District- East Champaran.

... .. Respondent

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate.

For the Respondent :

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 13-01-2020

The present petition has been filed for the following reliefs as formulated by the opposite party/petitioner-

“(I) For quashing of the order dated 06.08.2019 passed in Maintenance Case No. 218/2016 by the learned Principal Judge, Family Court, Motihari, East Champaran contained in Annexure-4 to this application whereby and whereunder the learned Principal Judge, Family Court, Motihari, East Champaran pleased to direct the o/c to issue D/W to the petitioner to collect the rest amount fixing the case on 16.08.2019 for evidence of opposite party.

(II) To grant any other relief or reliefs for which the petitioner is entitled from the facts and circumstances of the case.”

2. Learned counsel for the opposite party/petitioner submits that pursuant to the order dated 03.08.2017 passed by the learned Principal Judge, Family Court, Motihari, East Champaran, directing payment of Rs. 4,000/- per month to the respondent by



way of *ad-interim* maintenance, the petitioner has been making payment from time to time but has fallen into some arrears. It is stated that the trial is now approaching the stage of arguments. As such there was no occasion to direct issuance of distress warrant for realization of arrears aforesaid.

3. Having heard learned counsel for the opposite party/petitioner and on consideration of the materials on record, this Court is not inclined to interfere in the matter. It is not in dispute that the aforesaid order dated 03.08.2017 has not been challenged by the petitioner and pursuant thereto he has been making payment of *ad-interim* maintenance from time to time.

4. It is 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 opposite party/petitioner. The petition accordingly stands dismissed.

(Vikash Jain, J)

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AFR/NAFR	NAFR
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