

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1773 of 2019**

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Amit Kumar, S/o Sri Doman Prasad, R/o Village and Post- Raitar, P.S.-
Giriyak, District- Nalanda.

... .. Petitioner/s

Versus

Sanju Kumari, wife of Amit Kumar, R/o Village and Post- Raitar, P.S.-
Giriyak, District- Nalanda Daughter of Sharvan Prasad at present residing at
Village- Jhalar, P.O.- Karah Bazar, P.S.- Rajgir, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Maruth Nath Roy, Adv
For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 16-01-2020

Heard learned counsel for the petitioner.

2. The present petition has been filed for “*quashing the order dated 05.07.2019 passed by the learned Principal Judge, Family Court, Biharsharif, Nalanda in Divorce Case No. 204 of 2018.*”

3. Learned counsel for the petitioner submits that the learned Court below has erred in directing payment of *pendente lite* maintenance and expenses of Rs. 5,000/- per month in the divorce proceeding in Divorce Case No. 204 of 2018 by allowing the petition dated 21.06.2019 filed by the opposite party/respondent under Section 24 of the Hindu Marriage Act. It is submitted that the opposite party/respondent has left the company of the petitioner without justifiable reason, however, no material has been pointed out to show that such stand had been taken before the learned Court below.

4. 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. On perusal of the impugned



order dated 05.07.2019 it transpires that the opposite party/respondent has claimed maintenance on the ground that she has no independent income for her support. She is admittedly the wife of the petitioner having one girl child from the wedlock. It has been contended by her that the petitioner has an income of Rs. 45,000/- per month.

5. 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 efr the petitioner. The petition accordingly stands dismissed.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.01.2020
Transmission Date	NA

