

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CIVIL MISCELLANEOUS JURISDICTION No.309 of 2021**

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Mini Kumari @ Minni Kumari wife of Mrinal Kanti and Daughter of Vidyadhar Lal Das, resident of Village- Belarahi, P.O. Belarahi, Police Station- Jhanjharpur, District Madhubani.

... .. Petitioner/s

Versus

1. Mrinal Kanti son of Satyanand Das resident of Village Bhachhi Police Station- Madhubani, District- Madhubani.
2. Vidyadhar Das son of Late Shashidhar Lal Das, resident of Village Belarahi, Police Station- Jhanjharpur, District Madhubani, At present residing at Dumka Mohalla- Baksi Bandh, District Dumka (Jharkhand).
3. Gangadhar Lal Das son of Late Shashidhar Lal Das, resident of Village Belarahi, P.O. Belarahi, Police Station- Jhanjharpur, District Madhubani, At present residing at Bhagalpur, Mohalla Tilkamanjhi, Police Station Kotwali, District Bhagalpur.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Prabhas Ranjan  
For the Respondent/s : Mr.Rajendra Lal Das

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR  
PANDEY**

**CAV JUDGMENT**

**Date : 16-12-2021**

Heard learned counsel for the petitioner as well as the learned counsel for the Respondents.

Vide impugned order dated 26.03.2021 passed in M.M. No. 125 of 2011 (C.F. No. 973 of 2013) the learned Principal Judge, Family Court, Madhubani awarded *pendente lite* maintenance under section 24 of Hindu Marriage Act, to the petitioner from the date of the order.

The petitioner has challenged the order of the learned Principal Judge, Family Court on the ground that the



maintenance should be awarded from the date of the application and not from the date of the order. In this respect, the petitioner has relied upon recent decision of the Hon'ble Supreme Court, reported in 2021 (1) PLJR 39 (SC), Rajnesh vs. Neha and another.

The Hon'ble Supreme Court in paragraph no. 85 of that recent judgment has held that maintenance in all cases will be awarded from the date of filing of the application. The relevant portion of paragraph no. 85 is being quoted:-

“85. In view of the foregoing discussion.....

**(d) Date from which maintenance is to be awarded**

We make it clear that maintenance in all cases will be awarded from the date of filing the application for maintenance, as held in Part B-IV above.”

The learned counsel for the respondents has submitted that when the specific order has been passed by the court below that the amount of maintenance be awarded from the date of the order that should not be interfered with.

As discussed above and the mandate of Hon'ble the Supreme Court in Rajnesh vs. Neha and another, this civil miscellaneous petition is allowed and the order dated 26.03.2021 passed by the Principal Judge, Family Court,



Madhubani is modified to the extent that the amount of maintenance granted by the learned the Principal Judge, Family Court, Madhubani shall be payable from the date of filing of the maintenance petition, i.e. from 9<sup>th</sup> June 2016.

With the above observation/direction, this civil miscellaneous petition is being disposed of.

**(Nawneet Kumar Pandey , J)**

Maresh/-

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