

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CIVIL MISCELLANEOUS JURISDICTION No.104 of 2020**

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Jalo Kumar S/o Suresh Prasad Yadav Resident of Village-Kaithvan Tand P.S.  
Kaihvan Tand, District-Munger.

... .. Petitioner/s

Versus

Priti Kumari D/o Lakhan Kumar Yadav Resident of Village-Shiv Nagar P.S.  
Piri Bazar, District Lakhsarai.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Vijay Kumar Pandey, Advocate

Mr. Mukesh Kumar, Advocate

For the Respondent/s : Mr. Dharmendra Kumar Raju, Advocate

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
ORAL ORDER

3      28-06-2022                      Heard Mr. Vijay Kumar Pandey, learned counsel for  
  
the petitioner and Mr. Dharmendra Kumar Raju, learned counsel  
  
for the Respondent.

The petitioner is aggrieved by the order of interim  
maintenance passed by the Principal Judge, Family Court,  
Lakhisarai, whereby the learned Principal Judge has directed the  
petitioner to pay a sum of Rs.7,000/- per month to his wife i.e.  
Respondent herein in a proceeding initiated by the Respondent  
under Section 125 Cr. P.C. being Maintenance Case No.  
06/2018.

The marriage was solemnized between the parties in  
the year 2016. It is the case of the Respondent that after  
marriage, the petitioner started demanding dowry and due to  
non-fulfillment of the said demand, he tortured the Respondent,



for which, a First Information Report was lodged bearing Mahila P.S. Case No. 15/2017 for the offences punishable under Sections 498-A/34, 406, 494 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act. It is further case of the Respondent-wife that the petitioner has solemnized second marriage on 6.10.2017. Respondent/wife has been ousted by the petitioner and she has been residing in her parental house and is not able to maintain herself. As such, she has prayed for interim maintenance.

Learned counsel for the petitioner submits that the petitioner is ready to keep the Respondent as his wife. He further submits that the Respondent has been given share in the property of her father and *01 Bigha* of land has been given to her. He next submits that petitioner has no resources to pay the maintenance to his wife and he is only the owner of *08 Katthas* of land.

On the other hand, learned counsel for the Respondent-wife submits that she has not been given any share from her father and she has been residing in her parental house and is not able to maintain herself. He further submits that the specific statement made by the Respondent in her petition filed under Section 125 Cr. P.C. that the petitioner has performed



second marriage has not been denied.

I have heard learned counsel for the parties and have gone through the order granting interim maintenance. From perusal of the same it appears that on the basis of materials available on record, the learned Principal Judge, Family Court, Lakhisarai, has come to the conclusion that petitioner-husband is owner of Tractor with other sources of income, from which, he earns more than Rs.10,00,000/- per annum and upon consideration of the income of the petitioner-husband, the court below has fixed the interim maintenance @ Rs.7,000/- per month to be paid in favour of the Respondent-wife. In my opinion, the amount fixed by the learned court below as interim maintenance is not excessive and learned court below has not committed any jurisdictional error or material irregularity in exercise of its jurisdiction.

Accordingly, this application stands dismissed.

**(Anil Kumar Sinha, J)**

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