

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.281 of 2018**

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Gautam Kumar @ Gautam Kumar Singh Son of Pradeep Kumar Singh,
Resident of Village-Roh, Police Station-Roh, District-Nawada, at Present B-
101, AAj Housing Colony, Koikhali, Kolkata Airport, S.O.-Kolkata, West
Bengal.

... .. Petitioner/s

Versus

Reena Devi Daughter of Sunil Singh, Resident of Village-Dumpawan, Police
Station-Pakribarawan, District-Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 14-07-2022 Heard learned Counsel for the petitioner.

The petitioner is the husband and he has filed the present application being aggrieved by the order, dated 12.01.2018, passed by learned Principal Judge, Family Court, Nawada, in Matrimonial (Divorce) Case No. 290 of 2016, whereby learned Family Court has directed the petitioner to pay a sum of Rs. 5,000/- per month as maintenance pendente lite and Rs. 6,000/- towards litigation cost in favour of the respondent-wife from the date of passing of the order.

The respondent-wife has filed an application under Section 24 of the Hindu Marriage Act in the divorce suit for maintenance pendente lite stating therein that she is not in a position to meet her expenses and she is residing with her



parents.

The petitioner has filed rejoinder to the application filed by the respondent-wife, wherein he has not stated that the respondent-wife is having her independent income.

Learned Counsel for the petitioner submits that the petitioner is ready to keep his wife, but she is not willing to live in the company of the petitioner. He further submits that the petitioner is an unemployed person and is not in a position to give pendente lite maintenance to his wife. He further submits that the award of Rs. 5,000/- by way of maintenance pendente lite is unreasonable and excessive keeping in view the income of the petitioner.

I have gone through the materials available on record and the impugned order. It appears that admittedly the petitioner and the respondent are the husband and wife and the petitioner has filed divorce suit seeking divorce from the respondent-wife. The petitioner has also not brought on record the income of the respondent-wife by salary or any other source.

The learned Family Court has taken into consideration the rival submissions of both the parties and has awarded Rs. 5,000/- per month as maintenance pendente lite and Rs. 6,000/- towards litigation cost, which, in my opinion, is not excessive



and, accordingly, no interference is required by this Court in the
impugned order.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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