

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.149 of 2018

Mithlesh Kumar @ Mithilesh Kumar @ Mithilesh Kumar Singh Son of Jit Narayan Singh, Resident of Village- Ghorhat Majhawaliya, Post Office- Ghorhat Mathiya, Police Station- Manjhi, District- Saran Chapra.

... .. Petitioner/s

Versus

Susmita Devi Wife of Mithlesh Kumar @ Mithilesh Kumar @ Mithilesh Kumar Singh, Daughter of Awadh Bihari Uppadhyay Resident of Village- Sikatiyan, Post Office- Sikatiyan, Police Station- Maharajganj, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Rai
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 13-07-2022 Heard learned Counsel for the petitioner.

The petitioner is the husband and he has filed the present application being aggrieved by the order, dated 03.07.2017, passed by learned Principal Judge, Family Court, Saran, at Chapra, in Divorce Case No. 177 of 2016, whereby learned Family Court has directed the petitioner to pay a sum of Rs. 3000/- per month as maintenance pendente lite and towards expenses of the proceeding in favour of the respondent-wife from the date of passing of the order.

Learned Counsel for the petitioner submits that the petitioner is a labourer and he does not have any income. No finding regarding the income of the petitioner has been arrived at by the learned Family Court while passing the impugned



order.

I have gone through the materials available on record and the impugned order. It appears that the wife has claimed maintenance pendente lite under Section 24 of the Hindu Marriage Act in the divorce suit filed by the petitioner-husband and has stated that the petitioner earns a sum of Rs. 35,000/- per month and has been working as Technician in a private company at Bangaluru. The wife has further claimed that the petitioner has also agricultural land and earns a substantial amount as agricultural income, and out of their wedlock, a son has born, who was about one year old at the time of filing of the application. Accordingly, she claim a sum of Rs. 10,000/- per month as maintenance.

The petitioner has filed rejoinder to the application and has denied the income from salary as well as agricultural income and also denied that the petitioner is not the father of the son, as claimed by the wife, being the son born out of their wedlock.

The learned Family Court has taken into consideration the rival submissions of both the parties and has awarded merely Rs. 3,000/- per month as maintenance pendente lite and towards expenses of the proceeding on the ground that the respondent-



wife is living in her matrimonial home and it is the moral, legal duty of the petitioner-husband to maintain his wife. The learned Family Court has also arrived at the finding that the respondent-wife has no independent income sufficient to support her necessary expenses. The petitioner has also not brought on record any material to show that the wife has independent income.

Accordingly, in my opinion, the award of Rs. 3,000/- per month as maintenance pendente lite is not excessive and 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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