

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.188 of 2018

=====

Shekhar Singh @ Vijay Singh S/o Late Shatrudhan Singh, Resident of House No. 1113 Subhash Nagar, P.S.-Kotwali Mughal Sarai, District -Chandauli State-Utter Pradesh.

... .. Petitioner/s

Versus

Priyanka Kumari W/o Sri Shekhar Singh, D/o Sri Bramha Dayal Singh, Resident of Mathiya Mohalla, P.S.-buxar, District-Buxar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Respondent/s :

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 14-07-2022 By the impugned order the learned Principal Judge, Family Court, Buxar has awarded an interim maintenance of Rs. 5000/- per month to the respondent – wife and Rs. 1000/- per month to her minor son under Section 125 of the Cr.P.C.

The petitioner has challenged the order dated 08/11/2017 passed by the Principal Judge, Family Court, Buxar awarding interim maintenance in favour of the respondent – wife.

Learned counsel for the petitioner submits that petitioner is in difficulty and has been suffering from various diseases and he is not in a position to maintain his wife. He further submits that the petitioner is surviving on the pension of his mother and the amount fixed as interim maintenance of Rs.



6000/- per month is excessive.

I have gone through the material on record and the impugned order. It appears that the wife has claimed that the petitioner has 20 bighas of agriculture land and is having agricultural income as well as income from the contract work inasmuch as he gets petty contract from the Railways and earns a sum of Rs. 1 lakh per month. The petitioner did not file any rejoinder to the claim of maintenance filed by the wife (respondent), however, during the course of argument learned counsel placed one document at Annexure- 3 showing that the respondent-wife has joined as Lecturer in a College but no document has been brought by the petitioner to show that the wife is earning anything from that College and salary is paid to her by the College. The wife has claimed that she has been ousted from her matrimonial home and at present she has been residing along with her child in her parental home and the father of the respondent-wife is retired.

The learned court below has exercised its discretion and has awarded interim maintenance of Rs. 5000/- to the wife and Rs. 1000/- per month to her minor son which in my opinion is not excessive. In the aforesaid facts and circumstances of the case, I do not find any ground to



interfere with the discretion exercised by the court below
granting interim maintenance.

Accordingly, this civil miscellaneous application is
dismissed.

(Anil Kumar Sinha, J)

praful/-

U			
---	--	--	--

