

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.203 of 2018

Raj Kumar Manjhi son of Ram Bilash Manjhi resident of Village - Dhamhar
Shekhpura, Police Station - Baheri and District - Darbhanga.

... .. Petitioner/s

Versus

Renu Kumari wife of Raj Kumar Manjhi, Daughter of Kushmesh Manjhi
resident of village - Hawasa, Police Station - A.P.M., District - Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha

For the Respondent/s :

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-07-2022 Heard Mr. Girish Chandra Jha, learned counsel for the
petitioner.

The petitioner has challenged the order dated 02.06.2017 passed by learned Principal Judge, Family Court, Darbhanga in Maintenance Case No. 11 of 2016 by which an interim maintenance of Rs. 2,000/- per month has been awarded against the petitioner on an application filed by the respondent-wife under Section 125 of the Cr.P.C.

Learned counsel for the petitioner submits that the petitioner has been working in a private firm and earns a sum of Rs. 8000/- per month only in which he has to maintain his parents also. Therefore, submission is that the award of Rs. 2,000/-per month as interim maintenance to wife is not incommensurate with the income of the petitioner. He further submits that the petitioner is ready and willing to keep his wife



along with him but the wife is not agreeing to that.

I have heard learned counsel for the petitioner and gone through the material on record and the impugned order. It appears that the wife has filed a criminal case under Section 498A of the I.P.C. against the petitioner-husband alleging physical as well as mental torture and further it appears that apart from the monthly income from private firm the petitioner is having agricultural income also which according to the respondent-wife is around Rs. 20,000/- per month. Since the wife has shown sufficient reason for not living with her husband and has filed a case under Section 498A of the I.P.C. and the learned Principal Judge, Family Court, Darbhanga has exercised its discretion and after considering the facts and circumstances has awarded a sum of Rs. 2,000/- per month as interim maintenance, in my opinion, there is no illegality in the impugned order and the sum of Rs. 2,000/- per month awarded as interim maintenance by the court below is not excessive.

Accordingly, this civil miscellaneous application has no merit and accordingly the same stands rejected.

praful/-

(Anil Kumar Sinha, J)

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