

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.236 of 2020

Prashun Kumar @ Prashoo Kumar @ Prasoon Kumar S/o of Sri Rajesh Prasad Sinha, resident of Mohalla plot no. 302, Janki Complex, R.K. Avenue Road, Rajendra Nagar, P.S. Kadamkuan, District- Patna.

... .. Petitioner/s

Versus

Anjali Kumari W/o Sri Prasoon Kumar and d/o Sri Ajay Kumar Singh, now residing at her parent's house at Village- Amodhpur, P.S. Ali Nagar, District- Chandauli, Uttar Pradesh.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ankit Katriar
For the Respondent/s : Mr.Anurag Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 02-03-2022 Heard the learned counsel for the petitioner as well as the learned counsel for the respondent.

The petitioner Prashun Kumar @ Prashoo Kumar @ Prasoon Kumar has filed a case for divorce, which is pending in the court of learned Principal Judge, Family Court, Patna as Matrimonial Case No. 1212 of 2017. During the pendency of that suit, a petition for *pendente lite* maintenance was filed by the respondent under Section 24 of the Hindu Marriage Act, 1955. The learned Principal Judge, Family Court has mentioned in his order that the petitioner is in government job and as per the submission of the respondent, he is getting a salary of Rs.



58,000/- per month. By the impugned order, the learned Principal Judge, Family Court has awarded Rs.12,000/- per month to the respondent as maintenance pendente lite, Rs.3,000/- per month for minor son and Rs. 20,000/- as cost of litigation.

The learned counsel for the petitioner has submitted that the respondent has already filed a petition under Section 125 of the Code of Civil Procedure. In that case, both the parties have compromised and as per the terms of the compromise, the petitioner has paid Rs. 2,00,000/- cash to his wife and it was also agreed between the parties that they will reside together. But despite that, the respondent refused to reside with her husband. The petitioner has instituted a suit for restitution of conjugal right under Section 9 of the Hindu Marriage Act, but since there was no possibility of reunion of the couple, that suit being Matrimonial Case No. 754 of 2016 was withdrawn and since the relation became irretrievable, the present suit for divorce has been filed by the husband. The learned counsel for the petitioner has also submitted that the petitioner has to maintain his mother and recently he has been diagnosed with cancer and in this respect a supplementary affidavit has been filed. As per the submission, he has to incur considerable



expenditure on his treatment. He has submitted next that the respondent has been enrolled as an advocate and she is capable of earning. The photo copy of her Enrolment Card has been filed at P/7, to which the learned counsel for the respondent has submitted that although she has been registered as an advocate, but she is not a practicing lawyer and she has never appeared before any court. The learned counsel for the respondent has also submitted that the mother and father of the petitioner, both are pension holders and as such, they are not liability on the shoulder of he petitioner. The learned counsel for the petitioner has further submitted that the petitioner is not performing his duty and in near future there is possibility of his retrenchment from the job.

From perusal of the impugned order, it appears that the petitioner is a government employee and he is getting Rs. 58,000/- per month as salary.

It is an admitted fact that the present petitioner is drawing a salary of Rs. 58,000/- per month and the amount awarded by the learned Principal Judge, Family Court for maintenance of the respondent and her child does not appear to be excessive.

Accordingly, I do not see any reason to interfere with



the impugned order. The civil miscellaneous petition is hereby dismissed. If the situation alters, the petitioner is free to file a petition to reduce the amount of maintenance.

(Nawneet Kumar Pandey, J)

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