

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.148 of 2021

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Amit Gaurav Son of Ashok KUMar Singh Resident of village- Jaitpur, P.O.- Jaitpur, P.s.- Barahiya, Distt.- Lakhisarai, presently residing at S.S.A. P.F. Building, 13, Raja Ram Mohan Rai Road, Richmond Circle, Woodland Hotel, Banglore, Pin-5600029

... .. Petitioner

Versus

Arpana Wife of Amit Gaurav Daughter of Ram Binay Singh, Resident of Dunhi, P.s.- Garhpura, Distt.- Begusarai, at present Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga, Shiksha Vibhag, Darbhanga, P.s. and District- Darbhanga

... .. Respondent

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Appearance :

For the Petitioner/s	:	Mr.Jyoti Ranjan Jha, Advocate
For the Respondent/s	:	Mrs. Nivedita Nirvikar, Sr. Advocate
	:	Mr. Punit Kumar, Advocate
	:	Mr. Subodh Kumar Barnwal

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

3 21-02-2022 Learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner as well as learned counsel for the respondent.

It appears that the petitioner has filed a Divorce Suit bearing No. 01/2018 pending in the court of principal judge, family court, Lakhisarai on 30th April, 2018. The respondent (wife) has filed a petition for maintenance *pendente lite* under Section 24 of the Hindu Marriage Act, 1955.

The learned court below allowed the petition for mainte-



nance at the rate of Rs. 3,000/- per month till final disposal of the case and the cost of commutation to the Court at the rate of Rs. 5,000/- was also granted.

The learned counsel for the petitioner has submitted that despite the fact that the respondent has not specifically claimed the interim maintenance, the learned court below has granted Rs. 3,000/- per month as interim maintenance.

Learned counsel for the respondent has submitted that the petition filed by the respondent in the court below itself shows that she has no source of income, as mentioned in Paragraph No. 7 and she has to maintain not only herself but also a son named Vishnu residing with the respondent.

She has also submitted that the petitioner is in Central Government Services and getting Rs. 80,000/- per month as salary, as such, the amount of maintenance granted by the court below is not excessive.

It appears from the recitals of the petition of the interim maintenance *pendente lite* that in paragraph No. 7, respondent has specifically mentioned that she is unable to maintain herself as she has no source of any income. In paragraph No. 6, it has been mentioned that she has also to maintain her son Vishnu @ Satyajeet. In Paragraph Nos. 9 and 10 of the petition, the claim of litigation cost



as well as commutation to and fro the court, has been mentioned twice and it appears that the claim of interim maintenance has been left inadvertently, whereas it is present in the Paragraph Nos. 6 and 7 in the petition.

Learned counsel for the petitioner does not dispute the quantum of the *pendente lite* compensation.

I do not find any reason to interfere with the impugned order. Considering, the above-mentioned facts and circumstances, the present civil miscellaneous petition is dismissed.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 herein-above, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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