

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.240 of 2021**

Niraj Kumar Son of Sri Mahendra Prasad Resident of Village- Chandhua, P.S.
Kurhani, District- Muzaffarpur.

... .. Petitioner/s

Versus

Kavita Kumari Daughter of Sri Satyanarayan Ray Resident of Village-
Husainipur, P.S.Tisiauta, District- Vaishali at Hajipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dr. Om Prakash Om
For the Respondent/s : Mr.Satya Prakash Sinha

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

ORAL ORDER

4 06-04-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard the learned counsel for the petitioner and the

learned counsel for the respondent.

Being aggrieved by the order dated 26.02.2021,

passed by the Principal Judge, Family Court, Vaishali at Hajipur

in Maintenance Case No. 199 of 2016, this civil miscellaneous

petition has been preferred by the petitioner.

By the impugned order, interim maintenance was

granted to Kavita Kumari, the wife of the petitioner in a case

under Section 125 of the Cr.P.C.

The learned counsel for the petitioner has submitted

that in her petition for interim maintenance, the wife Kavita



Kumari has mentioned that her husband, the petitioner earns Rs. 20,000/- per month. He is an agent of LIC. The learned Principal Judge, Family Court, considering the evidence of three witnesses, has held that the petitioner works in a cloth shop in Muzaffarpur and earns Rs. 4000/- per month.

The learned counsel for the petitioner has submitted further that the respondent herein Kavita Kumari departed herself from the conjugal company of the petitioner, as such, she is not entitled for maintenance. He has also brought to the notice of this Court that the petitioner has filed a divorce case on the ground of desertion, which was dismissed by the trial court and the order dismissing the divorce suit is *sub judice* in appeal before this Court. The learned counsel for the petitioner, although submitted that the respondent has withdrawn herself from the conjugal company of the petitioner, but it has not been clarified as to why a suit for restitution of conjugal rights has not been filed, rather a suit for divorce has been filed.

In the petition for interim maintenance, the income of the petitioner has been stated as Rs. 20,000/- which was disbelieved by the Principal Judge, Family Court and it has found that the monthly income of the petitioner is Rs. 4000/- per month. The learned Principal Judge, Family Court has granted



Rs. 2,500/- per month as interim maintenance to the respondent.

I do not see the amount of maintenance to be excessive. So, in my view, the order of the learned Principal Judge, Family Court need not be interfered with.

With these observations, the civil miscellaneous petition is disposed of.

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

(Nawneet Kumar Pandey, J)

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