

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.922 of 2018**

Amresh Kumar Son of Baucal Mahto, resident of Village- Shobhan, P.S. Khanpur, District- Samastipur.

... .. Petitioner/s

Versus

1. Poonam Kumari wife of Amresh Kumar, Daughter of Sri Umakant Singh, resident of Village- Ladhora, P.S. Kalyanpur, District- Samastipur.
2. Sumit Kumar, Son of Amresh Kumar (Minor), present Address Village- Ladhora, P.S. Kalyanpur, District- Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh
For the Respondent/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

4 16-08-2022 The present application has been filed against the order dated 26.04.2018 passed by Principal Judge, Family Court, Samastipur in Maintenance Case No. 166 of 2012 by which the learned Principal Judge has directed the petitioner to pay a sum of Rs. 2,000/- per month to the respondent no. 2 as interim maintenance along with the litigation cost to the respondent no. 1 @ Rs. 500/- on each date of hearing.

The fact that respondent no.- 2 is the minor son of the petitioner is not disputed. Learned counsel for the petitioner submits that the petitioner had deposited a sum of Rs. 1,20,000/- by way of draft in the court but despite lapse of 1½ year the respondent no. 1 did not receive the draft. Accordingly, the petitioner received back the draft after 1½ year and got the same encashed. He further submits that the aforesaid money was



deposited after selling land and due to lapse of time he could not repurchase any land in the said amount as such he became landless also. The petitioner is working as an employee in a medicine shop and does not have any income to pay the interim maintenance awarded by the Family Court.

Having heard learned counsel for the petitioner and upon perusal of the material on record it appears that the respondent no. 2 is the son of the petitioner and the fact that respondents in the petition filed for maintenance have stated that petitioner has failed to discharge his obligation to maintain his wife as well as son and has performed second marriage with one Kanchan Kumari. The said fact is not disputed by the petitioner. The respondent no. 1 in her petition for interim maintenance has also stated that petitioner has been earning from medicine shop as well as from agricultural income around Rs. 20000/- per month. The court below awarded a sum of Rs. 2,000/- per month as interim maintenance in favour of the respondent no. 2 who is the son of the petitioner. Accordingly, in my opinion a meager amount has been awarded as interim maintenance by the court and the fact that petitioner has been working in the medicine shop is not disputed.

In the aforesaid facts and circumstances, the



impugned order is not required to be interfered with by this court.

In the result, this application is dismissed.

(Anil Kumar Sinha, J)

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