

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.450 of 2022

In

Miscellaneous Appeal No.220 of 2021

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Parmod Kumar Yadav @ Parmod Kumar Singh Son of Shree Kishnu Yadav
@ Vishnu Singh, Resident of Village-Harikishunpur, Post Office-Dalsagar,
Police Station-Buxar (Muffasil), District-Buxar.

... .. Petitioner/s

Versus

Guddi Kumari Wife of Parmod Kumar Yadav, Daughter of Bali Ram Yadav,
Resident of Village-Narbatpur, Post Office-Chousa, Police Station-Chousa,
District-Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nil Kamal
Ms. Kumari Priyanka
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 04-11-2022 Heard learned Counsel for the petitioner.

The petitioner is aggrieved by order, dated
12.01.2021, passed by learned Principal Judge, Family Court,
Buxar, in Matrimonial Case No. 70 of 2018, whereby the
learned Principal Judge, has awarded a sum of Rs. 4,000/- per
month as maintenance pendente lite in favour of the respondent-
wife, under Section 24 of the Hindu Marriage Act.

The petitioner-husband filed a petition under Section
9 of the Hindu Marriage Act before the learned Principal Judge,
Family Court, Buxar, bearing Matrimonial Case No. 70 of 2018,
seeking a decree of restitution of conjugal rights against his wife



(respondent). In paragraph 6 of the plaint of the aforesaid matrimonial case, the petitioner has stated that he has been working in a private company at Panipat and his wife, in his absence, left the company of the petitioner and has been living with her paramour.

Learned Counsel for the petitioner submits that the petitioner lodged Buxar (Industrial) Police Station Case No. 38 of 2018, on 20.03.2018, under Sections 363/366 of the Indian Penal Code against one Prem Ranjan Patel, who happens to be the lover of the respondent. After lodging of the First Information Report, the present maintenance petition has been filed on 13.03.2020. However, the respondent-wife, in her statement recorded before the learned Magistrate, under Section 164 of the Code of Criminal Procedure, 1973, on 19.04.2018, has stated that she was not kidnapped by anybody and she did not want to live with her husband. Accordingly, an order has been passed by learned learned Principal Judge, Family Court, Buxar, for her maintenance pendente lite.

I have heard learned Counsel for the petitioner and have gone through the materials available on record.

It is admitted position that both, the petitioner and the respondent, are legally wedded husband and wife and from the



statement made in the matrimonial case by the petitioner, it is admitted that the petitioner has been working in a private company, at Panipat. The witness produced by the petitioner in the matrimonial case has stated in his deposition that the petitioner has also having 2-4 bighas of agricultural land and live stocks, from which he has a good income.

The respondent-wife has stated that she is living with her old parents and is not having any independent income to sustain herself. There is no rebuttal of the statement made by the respondent-wife on record.

Section 24 of the Hindu Marriage Act stipulates that if one of the spouse has no independent income sufficient for her or his support, in that case, the Court may order the parties such sum which, in the opinion of the Court, is reasonable, to be paid as maintenance pendente lite.

From the facts of the present case, it emerges that the petitioner is working in a private company and is also having agricultural income. Learned Principal Judge, Family Court, Buxar, taking into account the income of the petitioner, has awarded a meager amount of Rs. 4,000/- per month as maintenance to be paid by the petitioner-husband in favour of the respondent-wife. From the records, it is clear that



the respondent-wife has got no independent income to support herself. Accordingly, I do not find any reason to interfere with the impugned order.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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