

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.15 of 2021

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Kumar Nitish @ Dr. Kumar Nitish S/o Raghunath Prasad, Residing at Rental Flat No. 386, Kankarbagh Colony, P.S.- Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

Bharti Sinha Wife of Kumar Nitish @ Dr. Kumar Nitish and D/o Anil Kumar Sinha, presently residing at her parental house, Adarsh Nagar, Road No. 2, P.S. and P.O.- Phulwari Sharif, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Mahendra Prasad Bhartee
For the Respondent/s	:	Mr.Jai Prakash Verma
		Mr. Uma Kant Mishra

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

4 22-02-2022 Heard the learned counsel for the petitioner as well as the learned counsel for the respondent.

The petitioner is the plaintiff in Divorce Case No. 894 of 2015 which has been filed on the ground of desertion for two and half years. During the pendency of the suit, the respondent filed a petition under Section 24 of the Hindu Marriage Act for maintenance pendente lite. That petition was disposed of by the impugned order allowing Rs.20,000/- (Twenty Thousand) per month as maintenance pendente lite and also Rs. 20,000/- as expenditure for litigation.

The learned counsel for the petitioner has submitted that the respondent is impotent and she is unable to have physical relation with the plaintiff.



It is a fact in issue, which is to be decided at the final hearing of the case after conclusion of the evidence of both the parties. Now only the matter for adjudication is that whether the Court below has rightly provided maintenance pendente lite to the respondent or not? The learned Court below has mentioned in its order that the petitioner is a Doctor and considering his position in the society as well as his income, the learned Court below granted Rs.20,000/- per month as interim maintenance and Rs.20,000/- as one time litigation cost.

I do not see any reason for interference in the impugned order. Accordingly, this miscellaneous petition is dismissed.

(Nawneet Kumar Pandey , J)

Mahesh/Kamlesh

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