

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.386 of 2021

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Brijesh Kumar Singh alias Bijesh Kumar, son of Lalbabu Singh, resident of Village-Indauli, P.O.-Marachhi, P.S.-Jamo Bazar, District-Siwan, at present Ramlal Chandra. H. No. 766, W.No. 27 (Seema Beauty Parlor), Bhadrappara, Indra Market Road Padimar, BALCO Nagar Corba (Chhatisgarh), PIN-495684.

... .. Petitioner/s

Versus

Ruby Singh, Wife of Brijesh Kumar Singh alias Bijesh Kumar, D/o Late Uttam Singh, resident of Village-Indauli, P.O.-Marachhi, P.S.-Jamo Bazar, District-Siwan. At present resident of Village-Dahiyawan Mission Road, P.S.-Chhapra Town, District-Saran at Chhapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan
For the Respondent/s : Mr. Dewendra Narayan Singh

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

3 22-02-2022 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 as well as the learned counsel for the respondent.

The respondent herein is the wife of the petitioner and as per the submission of the learned counsel for the petitioner, he has instituted a suit for decree of divorce against the present respondent. Admittedly, a criminal proceeding under Section 498A and other allied Sections of the Indian Penal Code are also pending. The present Maintenance Case No. 293 of 2018 was filed by the respondent under Section 125 of the Code of



Criminal Procedure. During the pendency of that case, a petition was filed by the respondent for ad-interim maintenance, which was allowed by the impugned order and the learned court below granted Rs. 4,000/- per month as ad-interim maintenance and payment was directed to be made in the account of the respondent.

The learned counsel for the petitioner has submitted that the amount granted by the learned court below was unaffordable by the petitioner as his income is meagre, because he is skilled labourer.

Per contra, the learned counsel for the respondent has submitted that the quantum of ad-interim maintenance is very meagre. He has also submitted that the father of the respondent is no more and she is dependent on her brothers for her livelihood as has been mentioned in paragraph no.10 of the petition for ad-interim maintenance. In paragraph no.11 of the petition for ad-interim maintenance, it has been mentioned that the petitioner is organ builder in BALCO Power Plant 540 and his monthly income is Rs.50,000/- per month. Besides that, he has agricultural property wherefrom he makes a good earning.

Considering the submissions and materials available on record, the amount granted by the learned court below as ad-



interim maintenance, which is 4,000/- per month, appears to be congenial and it does not appear excessive.

With these observations, this petition is dismissed.

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

(Nawneet Kumar Pandey, J)

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