

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No. 433 of 2021

Abhishek Kumar Son of Abhay Kumar Sinha Resident of Mohalla -
Mirjanhat, (Ganesh Enclave Flat No. 2 B), Mirjanhat, P.S. - Mouzahidpur,
District- Bhagalpur.

... .. Petitioner/s

Versus

Ekta Daughter of Ashok Kumar Lal, Wife of Abhishek Kumar, Resident of
Mohalla - Mogal Bazar, (Near Kamela) P.S. - Kotwali, Post - Munger,
District- Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar Verma
For the Respondent/s : Mr.Ratnakar Ambastha

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

ORAL ORDER

3 23-02-2022 Heard learned counsel for the petitioner as well as
learned counsel for the respondent.

Vide impugned order dated 27.08.2021, the learned
Court below has granted interim maintenance at the rate of Rs.
4,500/- per month and Rs. 500/- as litigation cost per date to the
respondent.

The learned counsel for the petitioner has submitted that
the respondent has departed herself from the company of the
petitioner without any cogent reason, as such, she is not entitled
for maintenance in the light of Section 125 (4) of the Code of
Criminal Procedure.

On the other hand, the learned counsel for the
respondent has submitted that the final adjudication of the case is



yet to be done and it is only an order of interim maintenance. He has also submitted that the petitioner is a bank employee and presently working in Aryavat Bank (Allahabad U.P. Gramin Bank), Sitapur and he is earning Rs. 80,000/- per month.

The learned counsel for the petitioner has further submitted that the petitioner has already instituted a suit for restitution of conjugal right under Section 9 of the Hindu Marriage Act, 1955.

The learned counsel for the respondent has further submitted that a suit for restitution of conjugal right was filed after the receipt of the notice in the present maintenance case. This matter is yet to be decided whether the respondent has departed herself from the company of the petitioner without valid reason or not and while the interim maintenance has been granted, the quantum of maintenance is also congenial in relation to the income of the present petitioner. As such, I do not find any reason to interfere with the impugned order.

Accordingly, this civil miscellaneous petition is dismissed.

(Nawneet Kumar Pandey , J)

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