

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1403 of 2018**

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Pawan Giri, Son of Shambhu Giri, Resident of B - 26, Brij Enclave Colony,
Sundarpur, P.S. Bhelupur, Varanasi, Uttar Pradesh.

... .. Petitioner/s

Versus

Rekha Giri, Wife of Pawan Giri, Daughter of Late Mahendra Giri, Resident of
Gokulpur Mathiya, P.O. and P.S. Bihta, Patna, Bihar, presently residing at C/o
Kavita Giri, Wife of Abhay Dubey, Ramdev Bihar, Opposite Ashok Nagar,
Road no. 4, Behind Bank of India, Flat No. G C, Block - A, Ranchi - 834002,
Jharkhand.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashish Giri, Advocate

For the Respondent/s : Mr. Naresh Chandra Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 06-01-2023 This matter has been listed today for consideration
through Video Conferencing.

2. Heard learned counsel for the parties.

3. In the present Miscellaneous application the
petitioner has moved before the Court for the following
relief(s)-:

“(i). To issue a writ/order/direction for
quashing/setting aside the order dated
16.08.2018 passed by the Court of Principal
Judge, Family Court, Patna in Matrimonial Case
No. 724 of 2017 by which the claim for
maintenance pendente lite and expenses of
proceedings filed under Section 24 of the Hindu
Marriage Act, 1955 by the respondent has been
allowed and the petitioner directed to pay a sum
of Rs. 5,000/- per month towards maintenance
of respondent wife and Rs. 2,000/- towards



maintenance of minor child from the date of filing of the petition and further direction to the petitioner to pay Rs. 4568.00 as airfare reimbursement alongwith Rs. 10,000/- lumpsum as litigation cost (Annexure-5).

(ii). To any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case.”

4. During the hearing, learned counsel for the parties prayed to dispose of this case with grant of liberty to the learned counsel for the petitioner to raise all the grounds available to the petitioner at the time of final adjudication of the permanent alimony and maintenance under Section 25 of the Hindu Marriage Act, 1955.

5. Learned counsel for both the parties submit that both the parties shall cooperate for expeditious disposal of the Matrimonial Case.

6. In view of the submissions on behalf of both the parties, this case is disposed of with liberty to the petitioner to raise such grounds as available under the law before the concerned trial Court at the time of final adjudication of the permanent alimony and maintenance under Section 25 of Hindu Marriage Act, 1955.

7. Stay granted vide order dated 29.03.2019 by this Court stands vacated.



8. It is needless to observe that the Court concerned shall comply the direction in the order dated 31.10.2017 passed by Hon'ble Supreme Court in Transfer Petition (Civil) No. 1894 of 2017.

(Sunil Dutta Mishra, J)

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