

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.98 of 2023

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Mukesh Kumar Son of Sitaram Mahto, Resident of Village- Vishnupur Adhar, Ward No. 8, P.O.- Araria, P.S.- Kanhauli, District- Sitamarhi, Pin Code- 843330 (Bihar).

... .. Petitioner/s

Versus

Nikki Kumari Wife of Mukesh Kumar and Daughter of Ram Ekbal Bhagat, At Present Residing at Village- Vishnupur Adhar, P.O.- Araria, P.S.- Kanhauli, District- Sitamarhi, Pin Code- 843330 (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Respondent/s : Mr. Rajib Ranjan Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 30-10-2024 Present learned counsel for the petitioner as well as learned counsel for the respondent.

2. The petitioner is aggrieved by the order dated 07.11.2022 passed by learned Principal Judge, Family Court, Sitamarhi in Maintenance Case No. 87 of 2021 whereby and whereunder the petitioner was directed to pay interim maintenance from July 2021 to November 2022 at the rate of Rs. 5,000/- per month in two installments and the petitioner was further directed to pay interim maintenance at the rate of Rs. 5,000/- per month regularly from December 2022 onwards in the bank account of the respondents.

3. Learned counsel for the petitioner submits that the impugned order is not sustainable as the income of the petitioner



has not been considered. The learned Principal Judge failed to appreciate that no documents have been brought on record by the respondent in respect of the earning of the petitioner. The learned Principal Judge further failed to consider that no documentary evidence has been brought by the respondent to substantiate her claim for maintenance and also failed to consider the assessment of actual income of the petitioner. For these reasons, the impugned order is not sustainable.

4. On the other hand, learned counsel appearing on behalf of the respondent opposes the contention of the learned counsel for the petitioner. Learned counsel for the respondent submits that there is no infirmity in the impugned order and the same has been passed after due consideration of the facts and circumstances of the case.

5. I have given my thoughtful consideration to the rival submission of the parties. The petitioner has challenged the order dated 07.11.2022 granting interim maintenance, which by its very nature, is effective only till the passing of final orders. Endeavor of the parties should be towards disposal of such cases at the earliest. Instead of the same, the petitioner has rushed to this Court. Further it appears that the petitioner has failed to make payment of a single penny to the respondent. It also



appears that there has been non-compliance of the orders of this Court. Taking all these things cumulatively, I do not think the present civil miscellaneous petition has got any merit and I do not find any infirmity or illegality in the impugned order dated 07.11.2022 passed by the learned Principal Judge, Family Court, Sitamarhi in Maintenance Case No. 87 of 2021 and, hence, the same is affirmed.

6. Accordingly, the instant civil miscellaneous petition stands dismissed.

(Arun Kumar Jha, J)

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