

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.189 of 2023**

Chandra Shekhar @ Mannu, Son of Nalin Kumar Sinha, Resident of Village - Katsa, Police Station-Baniyapur, District - Saran (Chhapra) at present resident of Mohalla - Digha Makhdumpur, Opposite Gate No. 90, P.O. - Digha Makhdumpur, P.S. - Digha, Distt. - Patna.

... .. Petitioner/s

Versus

Satya Kumari @ Juhi, Wife of Chandra Shekhar @ Mannu and Daughter of Shashi Ranjan Srivastava, Residence of Village - Rupauli, Police Station - Tariyani, District - Sitamarhi at present Resident of village - Dadar (Kolhua), Ward No. 13, behind Indian Oil Patrol Pump, P.O. - Paigamberpur Kolhua, P.S. - Ahiyapur, Distt. - Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate
For the Respondent/s : Mr. Dhannjay Kumar No 2, Advocate

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

5 09-07-2024 Heard learned counsel for the petitioner as well as learned counsel for the respondent.

2. The instant petition has been filed by the petitioner for setting aside the order dated 02.11.2022 passed by the court of learned Principal Judge, Family Court, Muzaffarpur in Maintenance Case No. 296 of 2020 whereby and whereunder the petitioner has been directed to make payment of Rs. 4,000/- per month to the respondent and Rs. 3,000/- per month for his minor daughter as interim maintenance.

3. After some argument, learned counsel for the petitioner submits that the respondent is the wife of the petitioner and she has filed two cases on the same date i.e., on



08.12.2020 in the court of learned Principal Judge, Family Court, Muzaffarpur. One case is Matrimonial Case No. 412 of 2020 which has been filed for restitution of conjugal rights whereas other case is Maintenance Case No. 296 of 2020 in which the impugned order has been passed. Learned counsel further submits that the petitioner is always ready to keep his wife and does not want to contest the restitution case filed by the respondent. The petitioner has also given an undertaking that he is ready and willing to keep his wife with honor and dignity. But the restitution case has been filed as an excuse for getting maintenance as the respondent does not want to stay with the petitioner. Learned counsel further submits that the petitioner does not want to press the prayer made against the impugned order dated 02.11.2022 and confines his prayer for disposal of the Maintenance Case No. 296 of 2020 along with Matrimonial Case No. 412 of 2020 in time bound manner as the petitioner has suffered much.

4. Learned counsel appearing on behalf of the respondent has no objection for disposal of the matrimonial case as well as maintenance case in time bound manner.

5. Since the learned counsel for the petitioner limits his prayer only for expeditious disposal of the maintenance case



as well as matrimonial case pending before the court of learned Principal Judge, Family Court, Muzaffarpur, I think it would be in the interest of the parties that the matrimonial case and maintenance case are disposed of in a time bound manner by proceeding in both the matters simultaneously. Therefore, the learned Principal Judge, Family Court, Muzaffarpur is directed to proceed in both the matters and try to dispose of both the cases together within a period of nine months from the date of receipt/production of a copy of this order.

6. However, considering the matrimonial dispute of the parties, it is expected that the learned Principal Judge would take up the matter for reconciliation of the parties in all earnest and try to settle the matter prior to proceeding with the trial.

7. With the aforesaid directions, the present petition stands disposed of.

(Arun Kumar Jha, J)

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