

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.517 of 2020**

Satyajeet Kumar S/o Late Ramjee Rajak, R/o Flat no. 301, Nand Shubh Apartment, South Bisar Tank Road, P.S. - Civil Lines, P.O. Gaya Main, Gaya, Bihar.

... .. Petitioner/s

Versus

Prachi Ragini W/o Satyajeet Kumar, D/o Dr. Birendra Kumar, R/o Mohalla - Shashtri Nagar, as tenant in the house of Acharya Shankar, near Aharaya Enclave Jail Road, P.S. Rampur, District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mrs.Vagisha Pragya Vacaknavi, Advocate
For the Respondent/s	:	Mr. Ramakant Sharma, Sr. Advocate
		Mr. Rajesh Kumar, Advocate
		Mr. Mayank Raj, Advocate

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

Date : 06-03-2024

Heard Mrs. Vagisha Pragya Vacaknavi, learned counsel for the petitioner through video conferencing and Mr. Ramakant Sharma, learned senior counsel appearing for the respondent.

2. The present petition has been filed under Article 227 of the Constitution of India for quashing of the order dated 04.03.2020 passed by learned Principal Judge, Family Court, Gaya in Misc. Case No. 81 of 2019, whereby and whereby the learned Principal Judge allowed interim maintenance petition dated 03.12.2019 of the applicant/respondent with effect from the month of January, 2020 directing opposite party/petitioner



to pay interim maintenance of Rs. 16,600/- per month to the applicant/respondent.

3. Learned counsel for the petitioner has assailed the order on limited point submitting that the said order was passed misinterpreting the decision of the Hon'ble Apex Court in the case of *Kalyan Dey Chowdhary Vs. Rita Dey Chowdhary* reported in *(2017) 14 SCC 200*. In the said decision the Hon'ble Supreme Court has held that the maintenance may be granted to the tune of 25% of the net income but the learned trial court granted 25% of the gross salary of the petitioner which was not permissible. Learned counsel further submits that in terms of order dated 02.02.2021 of the Co-ordinate Bench, the petitioner has been making payment of Rs.10,000/- per month to the applicant/respondent.

4. Learned senior counsel appearing on behalf of the respondent submits that the respondent does not want to join the issue with the learned counsel for the petitioner on the submission made with regard to interim maintenance to be allowed to the tune of 25% of the net income of the petitioner. However, he submits that since the Co-ordinate Bench has ordered for payment of Rs.10,000/- per month and the said amount is also being paid to the respondent, but due to the



pendency of the present petition, the matter before the learned Family Court has stuck up and the same should be expedited. Learned senior counsel further submits that the order granting interim maintenance by this Court may be made absolute and the learned trial court be directed to dispose of the matter expeditiously.

5. Learned counsel for the petitioner has no objection to said submission of the learned senior counsel for the respondent.

6. Under the aforesaid circumstances, the order dated 04.03.2020 passed by learned Principal Judge, Family Court, Gaya is modified with a direction to the petitioner to keep on paying Rs.10,000/- per month till disposal of the Misc. Case No. 81 of 2019 pending in the court of learned Principal Judge, Family Court, Gaya.

7. Learned Principal Judge, Family Court, Gaya is directed to take all steps for disposal of the matter expeditiously within six months from the date of receipt/production of a copy of this order and in case the time period exceed due to fault of the petitioner, the learned Principal Judge, Family Court, Gaya may make further order for enhancement of the amount of interim maintenance



amount.

8. Accordingly, the present petition stands disposed
of with the aforesaid directions.

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.03.2024
Transmission Date	NA

