

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50844 of 2023

In
CRIMINAL MISCELLANEOUS No.16642 of 2023

Arising Out of PS. Case No.-72 Year-2022 Thana- GAYA KOTWALI District- Gaya

Pallwan Kumar @ Pallwar Kumar Son Of Arun Kumar Sinha Residents Of
Mohalla Rajendra Nagar Road No 1a Near Sub Station Police Station Kadam
Kuan District Patna Petitioner

Versus

1. The State Of Bihar
2. Reshma Sinha Wife Of Pallwan Kumar @ Pallwar Kumar Resident Of
Mohalla- Rajendra Nagar, Road No. 1a, Near Sub-Station, Ps- Kadam Kuan,
Dist- Patna, At Present Residing At Nai Godown, Ps- Kotwali, Dist- Gaya
... .. Opposite Parties

Appearance :

For the Petitioner : Mr.Anil Kumar Singh, Advocate
For the State : Ms/Mrs. Indu Kumari Srivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 8 06-09-2024 Heard learned counsel for the petitioner and the State.
2. Petitioner seeks modification of order dated 27.3.2023, passed in Cr.Mis.No. 16642 of 2023 by which the petitioner has been directed to pay interim maintenance of Rs.12,000/- per month to opposite party no.2, subject to any order passed in the maintenance case for final settlement.
3. Learned counsel for the petitioner submits that earlier petitioner was getting salary of Rs.35,000/- per month but due to this case, he lost the job and now he has jointed service in other firm where he is getting only Rs.15,000/- per month. Besides this, parents of the petitioner are in old age and they are suffering from several ailments, whereas his brother is living in Gujarat. They are not in a position to take care of the petitioner.
4. Learned counsel for the State opposes the submission of the petitioner. He submits that the order for



payment of maintenance amount is interim in nature and not final and the same is subject to consideration of the Family Court and if the petitioner has any grievance, he should move the Family Court for final settlement.

5. Order dated 27.3.2023 directing the petitioner to pay Rs.12,000/- per month is an interim order, until a final decision is made regarding final settlement. Interim maintenance is intended to provide financial support to a spouse or partner during the pendency of divorce or separation proceedings. Since order for payment of maintenance is interim in nature and Courts have discretion in determining the amount of interim maintenance based on various factors, including the needs of the requesting party, the paying party's ability to pay, and the standard of living during the marriage and grounds taken by the petitioner seeking modification of order are not sufficient, this Court does not think proper to interfere with order dated 27.3.2023.

6. This modification petition is, accordingly, dismissed.

Shashi

(Prabhat Kumar Singh, J)

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