

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.758 of 2017

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Bimlanshu Shekhar S/o Updesh Preasad Singh, R/o Village- Rajpur, Post- Badharwa, P.S.- Majorganj, District- Sitamarhi. At present resident of Village- Ward No. 3, West Mehsaul, Kamla Garden, P.S. and District- Sitamarhi.

... .. Appellant/s

Versus

Priyanka Priyadarshni W/o Vimlanshu Shekhar, S/o Updesh Prasad Singh, R/o Village- Rajpur, Post- Badharwa, P.S.- Majorganj, District- Sitamarhi, At present Permanent Paternal Address daughter of Rambabu Singh Sijua Mahanth, resident of Village- Sijua, Post- Pachaharwa, P.S.- Majorganj, District- Sitamarhi, at present d/o Smt. Shakuntala Devi Mukhiya Village Panchayat Sijua, P.S.- Majorganj, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Ranjan Kumar Dubey, Advocate
For the Respondent/s	:	Mr.Shrinandan Prasad, Sr. Advocate
		Mr.Raghvendra Kumar, Advocate
		Mr.Atul Prakash, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 15-03-2024

On 18.01.2024, the following order was passed:-

“None appears for the respondent-wife.

2. Pursuant to our previous order, in all fairness, respective parties should have settled their score in the form of permanent alimony. Appellant-Bimlanshu Shekhar is present alongwith his Advocate even though he is prepared to settle permanent alimony in the light of observation made by this Court. In the absence of co-operation from the respondent-wife, appellant- Bimlanshu Shekhar is not in a position to comply the directions of this Court dated 15.12.2023.

3. Appellant-Bimlanshu Shekhar filed petition for decree of divorce and it was ordered by the Principal Judge, Family Court, Sitamarhi on 20.05.2017 in



Matrimonial Case No. 150/2014. Further, permanent alimony has been fixed at Rs. 30,00,000/-. Insofar as fixation of permanent alimony of Rs. 30,00,000/- is concerned, there is no reasoning and finding, hence, the appellant-Bimlanshu Shekhar preferred this Miscellaneous Appeal No. 758 of 2017 it is pending consideration for the last about seven years. In the meanwhile, appellant-husband is paying maintenance of Rs. 15,000/- per month to the respondent-wife. At the same time, he has entered into second marriage and having two kids. The respondent-wife is stated to have filed execution case and it is pending consideration. Due to pendency of the present lis, it is to be noted that respondent-Priyanka Priyadarshni has not filed any cross miscellaneous appeal against the decree of divorce passed in Matrimonial Case No. 150 of 2014 by the Principal Judge, Family Court, Sitamarhi on 20.05.2017. In other words, whatever the orders passed by the Principal Judge, Family Court, Sitamarhi passed in Matrimonial Case No. 150 of 2014 is acceptable to her.

4. Taking note of these factual aspects of the matter, we have suggested the appellant-Bimlanshu Shekhar to remit Rs. 30,00,000/- (Thirty Lakhs) as permanent alimony awarded by the Family Court in Matrimonial Case No. 150 of 2014 in her Bank account.

5. Re-list this matter on 15.03.2024 in the Court in order to give one more opportunity to respondent-Priyanka Priyadarshni. Personal appearance of appellant-Bimlanshu Shekhar stands dispensed, since he is presently residing in London (UK).

6. When things stood thus Respondent Counsel mentioned at about 3.00 PM before the Co-ordinate Bench that in the previous order time fixed was at 2.50 PM and



case was called at 2.15 PM in the Chamber. We have not noticed the typographical error and his Counsel have already left over the Court premises.

7. List on 15.03.2024 before the Court for further orders.”

2. Today, learned counsel for the respondent on instruction submitted that Family Court directions have been complied by the appellant. It is submitted that from the year 2017 till date respondent was awaiting in respect of implementation of the Family Court order and after about four years Family Court order has been obeyed by the appellant. Therefore, respondent is entitled to some more monetary benefits.

3. *Per contra*, learned counsel for the appellant submitted that from 18.09.2018 onwards till March, 2024. Appellant was paying monthly maintenance of Rs. 15,000/- (Rupees Fifteen Thousand Only) per month. Taking note of these material information respondent is not entitled to any further monetary benefits beyond the amount determined by the Family Court. Moreover, respondent has not preferred appeal for enhancement of permanent alimony.

4. Accordingly, the present Miscellaneous Appeal No. 758 of 2017 stands disposed of.

5. At this stage, respondent - *Priyanka Priyadarshni* who is present in the Court submitted that appellant was not timely



paying the monthly maintenance there would have been deferred payment insofar as maintenance is concerned. It is further submitted the present appeal was submitted by the appellant – husband in the year 2017 and she had engaged lawyers to defend her case for these many years and she is stated to have paid hefty fees.

6. Taking note of these facts and circumstances, we award litigation cost in favour of the respondent for a sum of Rs. 1,000,00/- (Rupees One Lakh Only). Litigation cost shall be paid by the appellant to the respondent within a period of four weeks from today. If the litigation cost is not paid to the respondent within the time limit stipulated in that event, respondent is permitted to file an interlocutory application to revive this order.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

abhishekk/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.03.2024
Transmission Date	NA

