

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1224 of 2023

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Sushil Kumar son of Mahesh Singh, Permanent Resident of village- Bela,
P.O.- Chikshi, P.S.-Sigori, District-Gaya, at present Residing at Shahid Bhagat
Nagar, Near Mela Office, P.O., P.S.and District-Jehanabad.

... .. Petitioner/s

Versus

1. Seema Kumari D/o Mithilesh Prasad Verma, Resident of Village- Uttrain,
P.O.- Uttrain, P.S.- Konch, District-Gaya.
2. The Mithilesh Prasad Verma, Resident of Village- Uttrain, P.O.- Uttrain,
P.S.- Konch, District-Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Onkar Kumar, Advocate
		Mr. Nawal Kishore Singh, Advocate
For the Respondent/s	:	Mr.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 11-03-2024

The matter has been listed on mentioning being made
on behalf of the petitioner.

2. Heard learned counsel for the petitioner.

3. The petitioner has challenged the order dated
29.09.2023 passed by learned Principal Judge, Family Court,
Jehanabad in Matrimonial Case No. 45 of 2020 allowing the
application of interim maintenance filed on behalf of
respondent-wife, where the petitioner was directed to make
payment of Rs. 15,000/- per month in the account of
respondent-wife by 15th day of each month apart from litigation
cost of Rs.15,000/- to the respondent-wife.



4. Learned counsel for the petitioner submits that the order was passed in absence of the petitioner and his counsel without consideration of the objection filed by the petitioner. Learned counsel further submits that the respondent-wife is also gainfully employed as ANM.

5. From perusal of the order it is apparent that the learned Principal Judge has considered the objection filed on behalf of the petitioner. Moreover, no reason is forthcoming why the petitioner or his counsel did not appear on the date fixed and it appears the petitioner now wants to take advantage on his own wrong which cannot be allowed. Moreover, it is an order for interim maintenance and the petitioner can appear before the learned Family Court and make prayer for modification of the order, if any, when there is a new development. Further, the fact is not to be lost sight of that interim maintenance is given to protect the wife from destitution and vagrancy and further to ameliorate her condition so she does not live a life in penury.

6. For the reasons discussed above, the impugned order is proper and hence, the same is affirmed. For this reason, I do not find any merit in the instant petition and accordingly, it is disposed of with liberty to the petitioner to move before the



learned Family Court, Jehanabad for modification of the
impugned order, if so advised.

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.03.2024
Transmission Date	NA

