

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1401 of 2018

Uttam Kumar son of Sri Deo Narayan Prasad resident of mohalla - Ashok
Nagar, Road No. 1 - H, Kankarbagh, P.O. Lohiyanagar, P.S. Kankarbagh,
District - Patna.

... .. Petitioner/s

Versus

Smt. Jayanti Devi wife of Uttam Kumar, daughter of Sri Narayan Prasad
resident of Mosinpur Kurtha, Govindpur, Hanumangali, P.S. Fatuwa, District -
Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 11-03-2024

The present petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 21.05.2018 passed by the learned Additional Principal Judge, Family Court, Patna in Matrimonial Case No. 24 of 2011 whereby and where under the learned Subordinate Court has allowed the petition dated 01.04.2017 and directed the petitioner to pay ad-interim maintenance of Rs. 5,000/- per month for respondent and her daughters alongwith litigation expense of Rs. 5,000/-.

2. Learned counsel for the petitioner submits that the petitioner filed Matrimonial Case No. 24 of 2011 under Section 11 read with Section 13 of the Hindu Marriage Act for dissolution of his marriage with the respondent Jayanti Devi. In



the said case respondent appeared and filed an application under Section 24 of the Hindu Marriage Act for interim maintenance amount. The learned Additional Principal Judge, Family Court, Patna by order dated 21.05.2018 ordered for payment of Rs. 5,000/- to the respondent and her two daughters apart from Rs. 5,000/- as litigation cost.

3. Learned counsel for the petitioner submits that the respondent has not been appearing in the matrimonial case and for this reason the matter has not proceeded further and still running at the stage of appearance. Learned counsel further submits that the petitioner has earlier filed a petition for restoration of conjugal rights in which respondent did not appear, did not file her written statement, did not cross-examine the witness of the petitioner and as such the case has been decreed in favour of the petitioner but the opposite party did not abide by the orders of the learned Court below and did not reside with her husband. Learned counsel further submits that now the petitioner is confining his prayer only to the extent of disposal of the matter before the learned Additional Principal Judge, Family Court, Patna within a stipulated time framed with liberty to raise all issues including modification of interim order for maintenance.



4. Having regard to the submissions made on behalf of the petitioner and considering the aforesaid facts, since the petitioner has confined his prayer to expeditious disposal of the matrimonial case, learned Additional Principal Judge, Family Court, Patna is directed to dispose of the Matrimonial Case No. 24 of 2011 within next six months since the matter has been pending since year 2011 reserving liberty to the petitioner to agitate all contentions including modification of the orders passed in interim maintenance in changed circumstances, if any.

5. With the above observations, this petition stands disposed of.

(Arun Kumar Jha, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

