

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.198 of 2024**

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Pappu Kumar, Son of Ashok Shah, Resident of Village-Judge Bharsara, P.S.-
Bihiya, District-Bhojpur (Bihar).

... .. Petitioner/s

Versus

Seema Kumari, Wife of Pappu Kumar, Daughter of Munnilal Shah Resident
of Village and P.O.-Itaadhi, P.S. Itaadhi, District-Buxar (Bihar).Buxar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manendra Kumar Sinha, Advocate Mr. Navneet Kumar, Advocate Mr. Prakash Ranjan, Advocate
For the Respondent/s	:	Mr.

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

Date : 04-04-2025

Heard learned counsel for the petitioner and I intend
to dispose of the instant petition at the stage of admission itself.

2. The petitioner is aggrieved by the order dated
07.04.2021 passed by the learned Principal Judge, Family Court,
Buxar in Maintenance Case No. 81/2020 whereby and
whereunder the learned Principal Judge directed the petitioner to
pay Rs.10,000/-per month as interim maintenance and Rs.
10,000/- towards cost of litigation to the respondent.

3. The learned counsel for the petitioner submits that
the petitioner is a Group D employee with Railways and he is
not in a position to make the payment of interim maintenance
amount of Rs.10,000/-per month as his income has wrongly
been assessed at Rs.50,000/-per month without any material in



support of such contention. The learned counsel further submits that towards arrears, Rs.12,000/-per month is also being deducted. Thus, the respondent is getting Rs.22,000/-per month from the petitioner. The learned counsel further submits that this amount of Rs.22,000/- is being deducted from the salary of the petitioner by his employer, but the petitioner is not in a position to make payment of even Rs.10,000/-per month to the respondent as he has taken number of loans and has to pay installment for repayment of loans. The learned counsel refers to his supplementary affidavit whereby and whereunder he has brought on record gross salary of the petitioner and net amount being paid to him. The learned counsel next submits that the petitioner was not even heard and the order was passed behind his back.

4. Perused the record.

5. Perusal of record shows the opposite party/petitioner herein did not appear before the learned trial court despite service of notice and the case was heard *ex-parte*. I think that the petitioner ought to have raised the matter first before the learned Principal Judge, Family Court, Buxar which has passed the impugned order about the status of his income and should have brought this fact to the notice of the learned



Principal Judge, Family Court for consideration and allowed the learned Principal Judge, Family Court, Buxar to pass appropriate orders in the light of the decision of the Hon’ble Supreme Court in the case of *Rajnesh Vs. Neha & Anr. (Criminal Appeal No. 730 of 2020)*.

6. In such view of the matter, I am not inclined to interfere with the impugned order. However, the petitioner is at liberty to approach the learned Principal Judge, Family Court, Buxar by furnishing all documents and contesting the claim of the respondent.

7. With the aforesaid observation/direction, the instant petition stands disposed of.

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.04.2025
Transmission Date	NA

