

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.511 of 2020**

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Indrajt Kumar S/o Shiv Prasad Paswan R/o Village- Tilkamanjhi, P.S.-
Kotwali, District- Bhagalpur.

... .. Petitioner/s

Versus

1. Bharti Devi W/o Indrajeet Kumar D/o Raj Kumar Paswan, R/o Village-
Azampur, Gola, P.O. and P.S.- Manihari, District- Katihar- 854113.
2. Jeet Raj (Minor) S/o Indrajeet Kumar Represented through his natural
guardian namely Bharti Devi, mother opp. Party no. 1, R/o Village-
Azampur, Gola, P.O. and P.S.- Manihari, District- Katihar- 854113.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Suresh Prasad Sah @ Baranwal, Advocate
For the Respondent/s : Mr.

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

Date : 19-02-2025

Record taken up on mentioning being made on behalf
of the petitioner and I intend to dispose of the petition at the
stage of admission itself.

2. Heard learned counsel for the petitioner.

3. Learned counsel for the petitioner submits that the
petitioner has filed the present petition against the order dated
06.03.2020 passed by learned Additional Principal Judge,
Katihar in Misc. Case No. 39 of 2019, whereby and whereunder
the learned Additional Principal Judge ordered the employer of
the petitioner to ensure the payment of Rs.1,20,000/- from the
salary of the petitioner in six installments and also ordered to



deduct Rs.15,000/- per month from the salary towards maintenance amount ordered in favour of respondent-wife in Maintenance Case No. 1170 of 2014 in which the petitioner was ordered to make payment of Rs.15,000/- per month to the respondent-wife as maintenance amount. Thereafter, as the said amount of maintenance was not paid, arrears accrued and the respondent-wife approached learned Additional Principal Judge, Family Court, Katihar by filing Misc. Case No. 39 of 2019 to compel the petitioner to make payment. Learned counsel further submits that a criminal revision filed against the final order passed in Maintenance Case No. 1170 of 2014 has been dismissed on 28.02.2023. Learned counsel further submits that the petitioner has been making payment of the amount on monthly basis apart from Rs.5,000/- per month extra towards payment of arrears amount. The petitioner contended before the learned trial court that the son born out of the wedlock was not his son and sought for DNA test of the son. But the same was declined by the learned trial court and now the criminal revision has also been dismissed against the final order passed in Maintenance Case No. 1170 of 2014 in which the issue of rejection of DNA test for the son of respondent no. 1 was also under challenge. Learned counsel further submits that the



petitioner is ready and willing to settle the matter with respondent-wife and notice may be issued to respondent no. 1 for her appearance before this Court.

4. Perused the records.

5. From perusal of the record I find that the instant petition has been filed against an order passed in Misc. Case No. 39 of 2019 which was filed for enforcement of the maintenance order passed in Maintenance Case No. 1170 of 2014. There is nothing in the matter which could be construed to have any bearing on the outcome of the maintenance case. Miscellaneous case has been filed by respondent no. 1-wife simply for enforcement of the maintenance granted to her and her son by the learned trial court and unless there is any order of superior court staying the maintenance granted to the respondents, there is no occasion for this Court to interfere in the matter in which the mode of payment has been specified by directing the employer of the petitioner to deduct Rs.15,000/- per month towards payment of monthly maintenance amount and further for making payment of Rs.1,20,000/- which has become arrears. The whole unfortunate situation is the creation of the petitioner as he allowed to arrears accrue and failed to comply the orders of the learned trial court directing him to make payment of



maintenance amount. Now, the criminal revision filed against the final order of maintenance has also been dismissed and the order granting maintenance has attained finality. For this reason there is no occasion to interfere with the order prescribing the manner of payment and any submission made on behalf of the petitioner on merit is itself without merit and it seems the present petition has been filed only to delay the inevitable.

6. In the light of discussion made hereinabove, I find no merit at all in the present petition and the same is dismissed.

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.02.2025
Transmission Date	NA

