

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.701 of 2024**

Chandan Thakur @ Chandan Kumar Son of Shivji Thakur, Resident of
Village- Mauna, Police Station- Nasriganj, District- Rohtas.

... .. Petitioner/s

Versus

Suman Devi Wife of Chandan Thakur @ Chandan Kumar, Resident of
Village- Mauna, Police Station- Nasriganj, District- Rohtas at present Village-
Gharwas Dih, Post Office- Osaon, Police Station- Kachwa, District- Rohtas,
PIN 821309.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mazharul Hassan, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-04-2025 Heard learned counsel for the petitioner.

2. Petitioner is aggrieved by the order dated 01.02.2024 passed by the learned Principal Judge, Family Court, Rohtas in Maintenance Case No. 120 of 2022 whereby and whereunder the learned Family Court has directed the petitioner to make payment of Rs. 4,000/- per month to the respondent who is the wife of the petitioner.

3. Learned counsel for the petitioner submits that petitioner has earlier filed a case for restitution of conjugal rights which was decreed *ex-parte* in favour of the petitioner. Still, the respondent did not agree to live with the petitioner. After four years of passing of the decree, she filed a maintenance case in which the order has been passed for



payment of interim maintenance of Rs. 4,000/- per month. This order is not sustainable. Learned counsel further submits that the petitioner is a barber working in a saloon and he is not in position to make payment of the interim maintenance amount to the respondent.

4. Perused the record.

5. Perusal of record shows the learned trial court has passed the order in presence of the petitioner and the respondent and while passing the order directed both the parties to file their affidavits in the light of decision of the Hon'ble Supreme Court in the case of ***Rajnesh Vs. Neha & Anr.***, for their income and liabilities.

6. At this stage, learned counsel for the petitioner submits that the petitioner has not filed any such affidavit before the learned trial court till date.

7. If the petitioner feels aggrieved by the impugned order which is interim in nature, the petitioner can always move before the learned Principal Judge, Family Court, Rohtas with prayer to modify the interim order after filing the affidavit in the light of decision of the Hon'ble Supreme Court in the case of ***Rajnesh*** (*supra*). But instead of moving before the learned Family Court, the petitioner has moved before this Court which



do find any infirmity in the impugned order.

8. As the petitioner has already been given liberty by the learned Family Court to file the affidavit in terms of ***Rajnesh*** (*supra*), I am not inclined to interfere with the impugned order and hence, the same is affirmed.

9. Accordingly, the present petition stands disposed of.

(Arun Kumar Jha, J)

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