

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.821 of 2024

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Rakesh Kumar, Son of Late Raj Nandan Prasad, Resident of Mohalla-Naya Gaon Jamalpur, Police Station- East Colony District-Munger.

... .. Appellant/s

Versus

Shilpa Kumari @ Sweety, Wife of Rakesh Kumar, Daughter of Murari Prasad Patawa, Resident of Sadar Bazar Jamalpur, Police Station-Jamalpur, District-Munger.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Varun Krishna Singh, Advocate
For the Respondent/s : Mr.Kumar Kamal Nayan, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
and
HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI)

6 08-01-2026 The instant appeal is directed under the provision of Section 19 of the Family Courts Act against an order of interim alimony *pendente lite* passed under Section 24 of the Hindu Marriage Act by the husband / appellant against the wife / respondent challenging the order of interim alimony during the pendency of the suit for divorce at the rate of Rs. 25,000/- per month.

2. It appears from the record that on 18th of November, 2025, this Court directed the parties to file affidavits of assets and liabilities in term of the decision of the Hon'ble Supreme Court in *Rajnesh v. Neha & Anr.* reported in (2021) 2 SCC 324, *Aditi @ Mithi v. Jitesh Sharma* reported in 2023

SCC Online SC 1451 and Parvin Kumar Jain v. Anju Jain
reported in ***2024 SCC Online SC 3678***.

3. The learned Advocate on behalf of the husband – appellant submits that since no order of final alimony was passed by the Family Court, question of adjudication on the point of final alimony does not arise in the instant case. The trial Court by passing the impugned order directed the petitioner / husband to pay a sum of Rs. 25,000/- per month as alimony *pendente lite* to the respondent. The trial Court also passed an order directing the petitioner / husband to pay one time litigation cost at the rate of Rs. 40,000/- per month to the respondent.

4. It is submitted by the learned Advocate for the appellant that the appellant has been going on paying the alimony *pendente lite* per month as per direction of the learned Principal Judge Family Court, Munger in Matrimonial Case No. 217 of 2023. Since the appellant has been complying with the impugned order by paying alimony *pendente lite*, the instant appeal becomes infructuous.

5. The learned Advocate on behalf of the respondent / wife also admits that the respondent is getting alimony *pendente lite* regularly from the appellant.

6. Considering such circumstances, we are of the view

that no further order is required to be passed in the instant appeal.

7. As the appellant has been complying with the Trial Court’s order, the appeal be and the same is dismissed without cost.

8. Let a copy of this order be sent down to the Court below along with the LCR, if any.

9. The learned Principal Judge, Family Court, Munger is directed to dispose of the Matrimonial Case No. 217 of 2023 expeditiously and preferably within six months from the date of this order.

(Bibek Chaudhuri, J)

(Dr. Anshuman, J)

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