

Shatrudhan Manjhi Vs Shiv Kumari Devi

Court: Patna High Court

Date of Decision: June 30, 2022

Hon'ble Judges: Anil Kumar Sinha, J

Bench: Single Bench

Advocate: Prakash Chandra

Final Decision: Dismissed

Judgement

1. Heard Mr. Prakash Chandra, learned counsel for the petitioner.

2. The petitioner has challenged the order dated 02.02.2021 passed by the Family Court, Saran at Chapra, in Maintenance Case No. 23 of 2015 by

which the interim maintenance of Rs.5,000/- has been fixed to be paid in favour of the Respondent/wife.

3. Learned counsel for the petitioner submits that while granting the interim maintenance, the learned court below has failed to consider the income

and expenses of the petitioner/husband. The Respondent/wife has filed a petition for maintenance on the ground that her marriage was solemnized

with the petitioner in the year 1988 and a girl child was born out of the wedlock. The petitioner/husband is working as a Head Clerk in electricity

department posted at village Pagamerpur alias Rupan Pur, P.S. Saranath, Distt. Varanasi and is getting salary of Rs.80,000/- per month. It further

appears that the wife has claimed that the petitioner earns Rs.5,000/- as agriculture income from the two Bighas of land. The Respondent-wife has

claimed that she is residing in her parental home and is not being looked after by his husband.

4. The learned Principal Judge, Family Court, Saran at Chapra, has considered the claim of interim maintenance and has arrived at the finding that the

petitioner has not denied his employment and has vaguely stated that the contents of paragraph-3 is partly correct and partly incorrect and has not

specified about the post the petitioner is holding and his salary. The Family Court has also come to the conclusion that the petitioner is employee of

electricity department and is getting handsome salary. Accordingly, the learned Family Court fixed the interim maintenance to be paid to the

Respondent/wife.

5. I have heard learned counsel for the parties and after going through the impugned order, I am of the considered opinion that the learned court below

has correctly arrived at the finding that the petitioner is employee of electricity department, and, therefore, the interim maintenance awarded by the

court below needs no interference.

6. Accordingly, this application stands dismissed.