

Pratyush Nath Vs Kumari Saraswati Tripathy

Court: Jharkhand High Court

Date of Decision: Jan. 21, 2025

Acts Referred: Constitution of India, 1950 Article 227

Hon'ble Judges: Sanjay Kumar Dwivedi, J

Bench: Single Bench

Advocate: Ankit Vishal

Final Decision: Dismissed

Judgement

Sanjay Kumar Dwivedi, J

1. Heard the learned counsel for the petitioner.

2. This petition has been filed under Article 227 of the Constitution of India for quashing of the order dated 08.10.2024 passed by the learned Principal

Judge, Family Court, Bokaro in Original Maintenance Suit No.179 of 2022 whereby interim maintenance to the tune of Rs.3000/- was allowed to the

wife.

3. Learned counsel for the petitioner submits that in absence of any affidavit the said petition was filed and the learned court has passed the said

order. He further submits that one petition was filed for transfer of the case from Ranchi to Bokaro which was dismissed by the High Court observing

that the husband will pay Rs.2000/- on each and every date in the said divorce case against which for transfer of that the said case was filed. He

submits that in view of that the impugned order may kindly be set aside.

4. In course of the argument on query by the Court the learned counsel has stated that she is the wife of the petitioner. If such a position is there the

husband is bound to maintain the wife. It transpires that the case was dismissed with observation to pay Rs.2000/- on each and every date of the case

meant for divorce and that is not maintenance amount. In the impugned order the learned court has only allowed the interim maintenance by way of

Rs.3000/-. The main case is still pending and the argument can be advanced by the petitioner in the pending case.

5. In view of above no case of interference is made out.

6. As such, this petition is dismissed.