

DHIRENDRA BAHADUR SINGH, PRINCIPAL JUDGE
FAMILY COURT, GOPALGANJ
MATRIMONIAL CASE NO. 113/2025
VINDHYACHAL MAHATO VS. RANI DEVI
DATE OF ORDER – 25-05-2026
1 of 4

**IN THE COURT OF PRINCIPAL JUDGE, FAMILY COURT,
GOPALGANJ (BIHAR)**

**MATRIMONIAL CASE NO. - 113/2025 (CIS NO.-113/2025)
(U/S 13 OF THE HINDU MARRIAGE ACT 1955)**

Vindhyachal Mahato aged about 35 years, S/o-Late Mahesh Mahato,
R/o- Village- Fatu Chhapar, P.O.-Bankata Jagdari, P.S.- Bhorey,
District-Gopalganj

.....Applicant/Husband

VS

Rani Devi aged about 25 years, W/o-Vindhyachal Mahato & D/o
Aash Narayan Prasad,
R/o-Village-Vishunpura, P.O.-Panchdevri, P.S.-Kateya, District-
Gopalganj

.....Respondent/O.P.

**ORDER ON PETITION U/S 24 OF THE HINDU MARRIAGE ACT,
1955 FILED ON BEHALF OF RESPONDENT WIFE**

PRESENT : DHIRENDRA BAHADUR SINGH
PRINCIPAL JUDGE,
FAMILY COURT, GOPALGANJ
DATE OF ORDER - 25-05-2026

Counsel for the applicant/husband : Sri Firoz Alam
Counsel for the respondent/O.P.: Sri Uday Narayan Pandey

ORDER

25-05-2026

1. A petition has been filed on 18.02.2026 u/s 24 of the Hindu Marriage Act, 1955 on behalf of respondent/wife. Rejoinder has been filed on behalf of applicant/husband on 02.05.2026. Affidavit regarding assets and liabilities has been filed on behalf of both sides.

2. Heard both sides.

3. Learned counsel for the respondent/wife submitted that she has been living with her parents at village- Bilsanda, P.S.- Bilsanda, District- Pilibhit, State- U.P. He has further stated that the applicant has been leading her miserable life along with two minor daughters and her father is a poor man. He further submitted that respondent/wife is unable to bear the litigation cost as well as she is unable to maintain herself and minor daughters. He also submitted that she has to travel a long distance of about 650 kms. He also submitted that the applicant/husband is Engineer having monthly income of Rs. Eighty thousand and he also has annual income of Rs. Five lakh from agriculture and other sources whereas respondent/wife is a housewife having no source of income. Hence prayed to allow the petition dated 18.02.2026 and to grant proper litigation cost and maintenance pendente lite to the respondent/wife.

3. Learned counsel for the applicant/husband/plaintiff submitted that present petition is not maintainable in the eye of law or in fact. He has further submitted that the respondent/wife filed a Maintenance case no. 706/2025 against the applicant/husband before the court of Pilibhit, (U.P.) He has also submitted that respondent/wife works in Private company in Bilsand, District- Pilibhit (U.P.) having monthly income of Rs. 22,000/- and she is able to maintain herself. He has further submitted that applicant/husband works as labourer and he has source of income and he has to maintain his parents along with other family members. Lastly, it has been prayed that the respondent/wife is not entitled for any maintenance pendente lite or litigation cost.

4. Section 24 of the Hindu Marriage Act, 1955 provides that-

“Where in any proceedings under this act it appears to the court that either the wife or the husband, as the case may be, has no independent income sufficient for her or his support and the necessary expenses of the proceeding, it may, on the application of the wife or the husband, order the respondent to pay to the petitioner the expenses of the proceedings and monthly during the proceedings such sum as, having regard to the petitioner’s own income and the income of the respondent, it may seem to the Court to be reasonable”

Thus the law is well settled that either the husband or the wife may file an application for his/her support and the necessary expenses of the proceeding and if he or she has no independent source of income, the court may order the other spouse to pay the reasonable sum to meet the expenses of proceeding as well as to support the petitioner.

5. Having heard the submissions of the parties and from perusal of the case record, it appears that the present case has been filed on 27.06.2025 and the same has been admitted on 03.07.2025. The respondent/wife appeared in this case on 25.09.2025. On 23.12.2025 W.S. has been filed on behalf of respondent/wife. It is the contention of respondent/wife that she has been facing a great hardship as the applicant/husband never paid even a single Rupee as maintenance and she has to visit the court from Pilibhit (U.P.) i.e. from a distance of about 650 Kms and her family members also accompanies her on each and every date. It is apparent from the affidavit filed on behalf of applicant/husband that he does agriculture work. It is also apparent from the affidavit filed on behalf of applicant that the respondent/wife has monthly income of Rs. 15,000/-. The affidavit regarding assets and liabilities has been filed on behalf of respondent/wife and it has been mentioned that she is housewife having no source of income. From perusal of both the affidavits filed on behalf of applicant/husband and respondent/wife it is above board that the respondent/wife is housewife and she has no source of income and she is unable to maintain herself as well as she is also unable to bear the expenses of litigation as on the one hand the applicant/husband claimed in the affidavit that respondent/wife earns from tailoring, stitching, beautician work and on the other in the rejoinder he contended the wife works in a private company.

6. Considering aforesaid facts and circumstances the petition dated 18.02.2026 filed on behalf of respondent/wife is hereby allowed up to the extent that the applicant/husband Vindhyachal Mahato is directed to pay Rs. 3,000/-(Rs. Three thousand) litigation cost per month in this case to the respondent/wife Rani Devi and applicant/husband shall also pay Rs. 3,000/- (Rs. Three thousand) per month maintenance pendente lite to the respondent/wife from the date of

filing of the petition under Section 24 of Hindu Marriage Act, 1955 that is from 18.02.2026. The amount of litigation cost and maintenance pendente lite shall be paid into the bank account of the respondent/wife by fifth day of every month. The amount of maintenance pendente lite shall be subject to any order passed in Maintenance Case pending before the learned court of Principal Judge, Family Court, Pilibhit.

Put up this case on 12.06.2026 for applicant's evidence. Applicant is directed to pay the litigation cost and maintenance pendente lite to the respondent/wife and to produce evidence.

Dictated

P.J.

Date of order	
Date of upload	
Order reserved on	
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