

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**Cr.M.P. No.2524 of 2024**

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Daniel Son Marbaniang son of Venkata Rao Paulus, Aged about 41  
years, Resident of Flat No. 101, Veekay Residency, Road No.6, M N.  
Reddy Nagar, P.O.- Quthbullapur, Suchitra, P.S.- Quthbullapur,  
District- Hyderabad, Telangana ... Petitioner

***Versus***

1. The State of Jharkhand
2. Vijayeta Daniel wife of Daniel Son Marbaniang, daughter of  
Vincent Daniesl, Aged about 35 years, resident of plot no.929 Lohiya  
Colony, Tetullya, Bokaro Steel City, P.O. Sector-12, P.S.- Sector- 12,  
District- Bokaro, Jharkhand
3. Darin Marbaniang (minor) son of Daniel alias Daniel Son  
Marbaniang, through his mother Vijayeta Daniel (respondent no.2),  
Aged about 11 years, resident of plot no.929 Lohiya Colony,  
Tetullya, Bokaro Steel City, P.O. Sector-12, P.S.- Sector- 12, District-  
Bokaro, Jharkhand ... Opposite Parties

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For the Petitioner : Mr. Jorong Jedan Sanga, Advocate  
Mr. Randhir Kr. Sharma, Advocate  
For the State : Mr. Abhay Kr. Tiwari, Addl. P.P.  
For the O.P. Nos. 2 & 3 : None  
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**P R E S E N T**

**HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY**

***By the Court:-*** Heard the parties.

2. Though notice has been validly served upon the opposite party Nos.2  
and 3 yet no one turns up on behalf of the opposite party Nos.2 and 3 in spite of  
repeated calls.
3. This Criminal Miscellaneous Petition has been filed invoking the  
jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha

Sanhita, 2023 with the prayer to quash the order dated 17.02.2024 passed by the Family Court, Bokaro in Original Maintenance Case No.205 of 2023 whereby and where under the Family Court, Bokaro has passed the order directing the petitioner to pay Rs.20,000/- per month as ad interim maintenance to the opposite party Nos.2 and 3 herein, from the date of filing of that case i.e. from 21.06.2023 till the disposal of the case.

4. The undisputed fact is that the opposite party No.2 is the legally married wife of the petitioner and the opposite party No.3 has been born out of the said wedlock of the petitioner and the opposite party No.2. It is the case of the opposite party No.2 herein- who was the petitioner No.1 before the Family Court, Bokaro that she was subjected to cruelty, torture for non-fulfilment of the demand of dowry and she was ousted from her matrimonial house. She also contended that the petitioner herein- who was the opposite party before the Family Court, Bokaro was not providing maintenance to her and their son- the opposite party No.3 herein, who was residing with the opposite party No.2. She also contended that she is facing hardships in providing education to the opposite party No.3. The undisputed fact is that the petitioner herein is the Vice President in Union Bank of Switzerland and posted in Hyderabad and getting salary of Rs.4,00,000/- per month as claimed by the opposite party No.2 but the petitioner admits getting monthly salary of Rs.2,00,000/-.

5. The petitioner herein, in his objection filed before the Family Court, Bokaro took the plea that the opposite party No.2 is a qualified teacher and she is deliberately sitting at home without any valid reason and deliberately refusing to work. It was also contended by him that the opposite party No.2 has destroyed the marital life of the petitioner herein. On the basis of the pleadings

of both the parties, the Family Court, Bokaro formulated the following points for determination: -

(i) Whether this petition is maintainable or not?

(ii) Whether the petitioners are entitled to get interim maintenance from the O.P. as sought, if so, what should be the quantum of interim maintenance?

(iii) What should be the date of payment of interim maintenance and also what should be the mode of payment?

6. The Family Court first took up point for determination No.(i) and considered the admitted relationship between the parties and also considered the admitted fact that the opposite party Nos.2 and 3 are living separately from the petitioner herein and the petitioner herein is not paying any money for the maintenance of the opposite party Nos.2 and 3 and went on to hold that the petition is maintainable.

7. Then the Family Court next took up points for determination Nos.(ii) and (iii) together and considered the judgment of the Hon'ble Supreme Court of India in the case of **Rajnesh vs. Neha & Another** reported in **(2021) 2 Supreme Court Cases 324**. The Family Court next considered the affidavit filed by the opposite party No.2 herein where she has categorically stated that she has no income. Their date of separation is 04.06.2023 and her monthly expenses is Rs.35,000/- and the expenses of opposite party No.3 herein who is a ten years old boy is Rs.55,000/- per month. The Family Court also considered that as per the affidavit filed by the petitioner herein, he has admitted that the date of separation of him with the opposite party Nos.2 and 3 is 04.06.2023. His general monthly expense is Rs.2,35,600/-. He has voluntarily deposited Rs.25,000/- on 26.06.2023 and Rs.10,000/- on 05.08.2023 in the account of his wife. The

petitioner admitted that he is the Director in UBS Business Solution and getting salary of Rs.2,00,000/-. He has purchased a flat taking loan from HDFC Bank the E.M.I. of which is Rs.1,02,225/-. Considering the facts of the case, the Family Court, without going into the merits of the case, ordered the opposite party of the said Original Maintenance Case No.205 of 2023 to pay Rs.20,000/- per month as interim maintenance to the petitioner from the date of filing of the case i.e., from 21.06.2023.

8. Learned counsel for the petitioner relies upon the judgment of the Hon'ble Supreme Court of India in the case of **Rajnesh vs. Neha & Another (supra)** wherein the Hon'ble Supreme Court of India in para-72.10 has held that *inter alia* the Family Court must make an endeavour to decide the IA for interim maintenance by a reasoned order, within a period of four to six months at the latest, after the Affidavits of Disclosure have been filed before the court. It is further submitted that the impugned order is not a reasoned order. It is next submitted that the maintenance case has been filed with an ulterior motive and with an intention to extract money from the petitioner. It is then submitted that the Family Court has failed to consider the factors, such as status of the parties being reasonable means of the wife of the petitioner, qualification of the applicant, whether the applicant has any independent source of income. It is next submitted that the Family Court, Bokaro did not consider the expenses incurred by the petitioner which comes up to Rs.2,35,600/- per month. Hence, it is submitted that the prayer, as prayed for in the instant Cr.M.P., be allowed.

9. Learned Addl.P.P. appearing for the State on the other hand vehemently oppose the prayer of the petitioner made in the instant Cr.M.P. and submits that the contention of the petitioner that his total earning from all sources in a

month is Rs.2,00,000/- but he spends Rs.2,35,600/- every month cannot be a correct one because if that is accepted to be true, then the question which remained unanswered, arises as to where from the petitioner is bringing Rs.35,600/- on each month. The petitioner has not come to court with clean hands. Either the petitioner has suppressed the fact that his monthly earning is Rs.4,00,000/- or he must not be spending Rs.2,35,600/- per month and the expenses shown by him is exaggerated. It is further submitted that though a reasoned order is to be passed at the time of interim maintenance but elaborate discussion of the entire materials placed before the Family Court is not to be exhaustively dealt with in a matter of interim maintenance application as by doing so the very purpose of provision of interim maintenance will be frustrated, because there will be no difference between an order passed in an interim maintenance and the final order to be passed in the maintenance case. It is next submitted that the impugned order is well reasoned and well explained as to why the family Court has arrived at the interim compensation of ₹20,000/- per month. Hence, it is submitted that this Cr.M.P., being without any merit, be dismissed.

10. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, it is pertinent to mention here that it is a settled principle of law that the purpose of interim maintenance is to give immediate succour to any destitute person. It is also a settled principle of law that the proceeding of interim maintenance is a summary proceeding. It is also a settled principle of law that the wife and son of a person are entitled to live and have the same status as that of the person from whom maintenance is claimed.

11. Now, coming to the facts of the case, the relationship between the parties to the case and the fact that the opposite party Nos.2 and 3 are residing separately from the petitioner since 04.06.2023 remains undisputed. The monthly earning of the petitioner to the extent of Rs.2,00,000/- is also admitted by the petitioner himself. The petitioner has not disclosed any other source of his income. It is highly improbable that a person who earns Rs.2,00,000/- per month, will spend Rs.2,35,600/- per month thereby incurring into a recurring debt of Rs.35,600/- per month, for which he has no means to repay. On the other hand, the fact remains undisputed that the opposite party Nos.2 and 3 have no source of income. The opposite party No.3 is a student in a school. So, taking into consideration all these circumstances, this Court do not find any illegality or unreasonableness in the order dated 17.02.2024 passed by the Family Court, Bokaro in Original Maintenance Case No.205 of 2023 in ordering the petitioner to pay a monthly maintenance amount of Rs.20,000/- to the opposite party Nos.2 and 3 together; warranting interference of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

12. Accordingly, this Cr.M.P., being without any merit, is dismissed.

13. In view of disposal of the instant Cr.M.P., I.A. No.1851 of 2025 is disposed of being infructuous.

**(Anil Kumar Choudhary, J.)**