

d
SLP(C)No. 6721 OF 2000

ITEM No.203

Court No. 2

SECTION XVII
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.6721/2000

(From the judgement and order dated 17/09/1999 in CR 85/99
of The HIGH COURT OF PATNA)

NISHA MISHRA KUMAR

Petitioner (s)

VERSUS

PANKAJ KUMAR SINGH

Respondent (s)

(With prayer for interim relief)
(For Final Disposal)

Date : 10/08/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.P. BHARUCHA
HON'BLE MR. JUSTICE Y.K. SABHARWAL

For Petitioner (s) Mr. Debasis Misra,Adv.

For Respondent (s) Mr. S.B. Upadhyay,Adv.

UPON hearing counsel the Court made the following
O R D E R

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Leave granted.

The civil appeal is ordered.

No order as to costs.

(T.I. Rajput)
Court Master

(Shelly Sengupta)
Court Master

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No. 5242 of 2001@@

CC
(Arising out of S.L.P. (C) No.6721 of 2000)

Nisha Mishra Kumar

...Appellant (s)

Versus~

Pankaj Kumar Singh

....Respondent (s)

O R D E R@@
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....L.....I.....T.....T.....T.....T.....T.....T.....T.....J

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Leave granted.

The dispute is in regard to the quantum of maintenance payable by the respondent-husband to the petitioner. The High Court reduced to Rupees one thousand per month the amount that had been fixed by the trial court at Rupees three thousand per month on the basis that there was lack of evidence regarding the actual income of the respondent from landed property.

We have heard learned counsel. In our view, the order of the High Court cannot be sustained. We think that, in the facts and circumstances of the case, the respondent should pay to the petitioner maintenance in the sum of Rupees two thousand and five hundred per month commencing from the date
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of the application, i.e., 4th April, 1994. The arrears of maintenance shall be paid within twelve weeks.

Order on the appeal accordingly.

No order as to costs.

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.....J.
(S.P. Bharucha)@@
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.....J.
(Y.K. Sabharwal)@@
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New Delhi,
August 10, 2001.