

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7030 OF 2015

PRASHANT VILAS SURYAWANSHI
VERSUS
PRACHI PRASHANT SURYAWANSHI

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Advocate for Petitioner : Mr. Garud N. C.
Advocate for Respondent : Mr. S.T. Shelke

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CORAM : V. K. JADHAV, J.
DATED : 28th JANUARY, 2016

PER COURT:-

1. By consent of counsel for the parties, heard finally.
2. The petitioner has filed a petition before the learned C.J.S.D. under Section 9 of Hindu Marriage Act for restitution of conjugal rights against the respondent-wife. During pendency of said petition, the respondent-wife had filed an application at Exh.11 for grant of interim maintenance as provided under section 24 of the Hindu Marriage Act. The respondent-wife has claimed interim maintenance of Rs.15,000/- p.m. and expenses of proceedings to the tune of Rs.25,000/-. The learned 2nd Joint C.J.S.D. Ahmednagar by its impugned order dated 16.2.2015 in H.M.P. No. 149 of 2014 partly allowed the application and thereby directed the petitioner-husband to pay Rs.3500/- p.m. to the respondent-wife as interim maintenance from 27.6.2014 till the decision of petition and further directed him to

pay Rs.3000/- to the respondent-wife towards cost of the proceedings.

3. Learned counsel for the petitioner submits that the respondent-wife though resides in Ahmednagar itself, has made exorbitant demand of litigation costs. Furthermore, she has also claimed exorbitant amount as interim maintenance. Learned counsel submits that the petitioner-husband has no sufficient means to pay the interim maintenance as he has to maintain other family members.

4. Learned counsel for the respondent-wife submits that learned Judge of the trial court has rightly granted interim maintenance to the respondent-wife. Learned counsel submits that the petitioner-husband is serving in Navy and he has no liability at all.

5. On perusal of impugned order, it appears that the learned Judge of the trial court has rightly granted interim maintenance at the rate of Rs.3500/- p.m. till disposal of petition filed by the petitioner-husband. Even the learned Judge of the trial court has granted meager amount towards costs of litigation. It appears from the record that the respondent-wife has no independent source of income. The petitioner-husband is having salaried income and he has no liability, as such. As per the say filed by the petitioner-

husband, his father is getting pension though his pension is spent to meet out the expenses of his old aged ailments.

6. In the light of above, I find no fault with the impugned order. There is no merit in the petition. Therefore, writ petition is hereby dismissed. No costs.

(V. K. JADHAV, J.)

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