

**IN THE HIGH COURT AT BOMBAY  
APPELLATE SIDE, BENCH AT AURANGABAD**

918 WRIT PETITION NO. 7894 OF 2016

JAGDISH NILESH SHANTARAM WAGH  
VERSUS  
DIMPAL DEEPALI NILESH WAGH

...  
Advocate for Petitioner : Harshal Randhir h/f. Patil Vinod Prakash  
Advocate for Respondent : D.B. Shinde h/f. M.S. Deshmukh

...  
**CORAM : T.V. NALAWADE, J.**  
DATED : 15th December, 2016.

**ORDER :**

1. The petition is filed to challenge the order made on Exh. 12 in H.M.P. No. 544/2015, presently pending in the Court of Civil Judge, Senior Division, Jalgaon. Both the sides are heard.

2. The aforesaid application was filed by respondent wife under section 24 of Hindu Marriage Act for getting interim alimony and expenses of litigation. The Court has directed the husband, present petitioner to give Rs.2500/- per month from 30.12.2015 and further, direction is given to pay Rs.10,000/- as cost of the litigation.

3. The learned counsel for petitioner, husband submitted that petitioner is jobless and is appearing for competitive exams and so, such order could not have been made against him. It was submitted for petitioner that the wife has admitted that the petitioner is jobless. It can be said that the

petitioner is preparing for competitive exams and he got married even when he was not having job and he was sure that he can afford to maintain his wife and issues, if any, born even if he was not having any job. At present, he is spending for himself and for the tuitions etc. He must be attending classes for appearing in competitive exams. Further, it is brought on the record that his brother is having saloon shop and in the name of his father, there are two lands bearing Gat Nos. 270/A and 270/B. All these circumstances are taken in to consideration by the Civil Court. Meager amount of Rs.2500/- per month is granted as maintenance. Considering the status of the parties and aforesaid circumstances, this Court holds that the amount of interim maintenance is not on higher side. Similarly, the cost of litigation awarded as Rs.10,000/- is also not on higher side. The petition is filed for relief of divorce by the present petitioner and it is the duty of the Court to see that the wife gets opportunity to effectively contest the matter. If such provision is not made, the wife will not be in a position to contest the matter effectively. This Court sees no reason to interfere in the order made by the Trial Court. The petition stand dismissed.

**[ T.V. NALAWADE, J. ]**

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