

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 8565 OF 2014

Sachin Govindrao Bhadarge

..PETITIONER

VERSUS

Laxmi @ Revati Sachin Bhadarge

..RESPONDENT

....

Mr. S.K. Chavan, Advocate for petitioner.

Mr. V.P. Kadam, Advocate for respondent.

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CORAM : T.V. NALAWADE, J.

DATED : 13th OCTOBER, 2016

ORDER :

1. The petition is filed to challenge the order made on Exhibit 13 in H.M.P. No. 206 of 2013 presently pending before the Civil Judge, Senior Division, Parbhani. Heard both the sides.

2. The application at Exhibit 13 was filed by the present respondent – wife of the petitioner under Section 24 for interim maintenance. Interim maintenance of Rs.3,000/- per month is granted in her favour and it is to be paid from the date of filing of petition by the husband till dispose of the main petition. Similarly, the husband is directed to pay Rs.7,500/- towards cost of the proceeding.

3. The learned Counsel for petitioner – husband submitted that already two orders of interim nature are there in favour of the respondent – wife. He submitted that in proceeding filed under Section 125 of the Code of Criminal Procedure, husband is directed to pay Rs.2,000/- per month to wife and Rs.2,000/- per month in favour of the minor issue. He submitted that in another H.M.P. proceeding interim order is made and in that proceeding also husband is directed to pay monthly Rs.2,000/-. It is submitted that if the husband is again directed to pay Rs.3,000/- per month in the present proceeding, the husband will be required to pay total amount of Rs.7,000/- to wife per month as there is no clarification with regard to the orders which are already made in favour of the wife.

4. The submissions made shows that there is not much grievance in respect of the amount which is to be given for expenses to the wife for contesting the proceeding. While granting interim maintenance, the Court is expected to see the status of the parties and also the circumstance like the other interim order or final order of maintenance amount made in favour of the wife due to which she is already receiving some amount. The submissions made show that monthly income of the husband is hardly Rs.10,000/- and he is working in State Reserve Police Force.

5. In view of these circumstances, this Court holds that the wife will be entitled to Rs.3,000/- per month in all. If she wants to recover the amount in the present proceeding, in respect of the said period she cannot recover any amount in other previous instituted proceedings to which she was entitled as interim maintenance. However, she will be entitled to recover the amount awarded as expenses in the previous proceedings also. This clarification will be sufficient for both the sides. The submissions made shows that all the matters are kept for final arguments. The Court is expected to make some order so that the confusion is removed. With the aforesaid observations, petition is disposed of.

(T.V. NALAWADE, J.)

SSD