

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

908 WRIT PETITION NO. 537 OF 2014

GORAKH NANA BORUDE
VERSUS
ANITA GORAKH BORUDE

...
Advocate for Petitioner : Garud N.C.
Advocate for Respondent : Gandhi Amol S.
...

CORAM : T.V. NALAWADE, J.
DATED : 2nd September, 2016.

ORDER :

1. Heard both the sides.
2. The maintenance at the rate of Rs.3,000/- p.m. is granted in favour of respondent. It is the case of husband that the respondent had already married with one Jagannath Arjun Bharaskar and even maintenance was granted in her favour in Misc. Criminal Application No. 162/2002 and she had filed proceeding for recovery of arrears of maintenance in the Court of Judicial Magistrate, First Class bearing Misc. Criminal Application No. 43/2004. The learned counsel submitted that in view of this record and further the fact that the petitioner was already married with Nanda and there is sufficient record to prove his marriage, order of interim maintenance ought not to have been made in proceeding filed by present respondent u/s. 9

of Hindu Marriage Act. The record shows that the present petitioner had got acquainted with respondent through sister of the petitioner at the residential place of the sister of petitioner and that can be seen from the record.

3. In view of these circumstance, this Court holds that the purpose of the petition will be served if the direction is given to the Trial Court to expedite disposal of the matter and in any case within three months from the date of this order. Considering aforesaid circumstances, this Court holds that the petitioner needs to pay atleast Rs. 50,000/- (Rupees fifty thousand) more as maintenance. Even under the provision of Domestic Violence Act such amount could have been claimed. This amount is to be deposited within a period of 45 days from today in the Trial Court. If the amount is not deposited, the defence of the present petitioner can be strike off and the proceeding can be decided. This Court has taken in to consideration the amount of Rs. 25,000/- already deposited, which is collected by the respondent and the amount of Rs. 50,000/- is additional amount than aforesaid amount of Rs. 25,000/-.

3. The respondent is to be allowed to withdraw that amount, if it is deposited in the Trial Court by the present

petitioner.

3. With the aforesaid observations, the petition is disposed of as dismissed.

[T.V. NALAWADE, J.]

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