

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6144 OF 2014

Mrs. Shivangi Ajit Chopde Petitioner

Vs.

Mr. Ajit Murlidhar Chopde Respondent

Mr. R.Y. Sapre i/by Ms. Madhuri B. Joshi, Advocate for the
Petitioner.

Ms. Anjali Helekar alongwith Mr. Kanhaiya Yadav i/by S.A.
Abhyankar, Advocate for the Respondent.

Coram : Smt. R.P. SondurBaldota, J.

Date : 9th August, 2016

P.C.

1 This petition challenges the order dtd. 3rd April, 2014, by which the trial court i.e. the Court of Civil Judge, Senior Division, Kalyan dismissed the petitioner's application for interim maintenance. The application was dismissed on the ground that the petitioner has no justification to keep away from the respondent.

2 The respondent had filed an application for restitution of conjugal rights. The petitioner had contested that application

and despite contest the application was allowed and the petitioner has been directed to resume cohabitation with the respondent. The petitioner has failed to comply with the order. Therefore, the trial Court has held that the conduct of the petitioner prima facie indicates that she is deliberately avoiding to resume cohabitation and there is no justification whatsoever for keeping away from the respondent.

3 The petitioner does not dispute that there is an order passed for the restitution of conjugal rights. She has thereafter filed petition for divorce and sought to justify the application for interim relief under Section 24 of the Hindu Marriage Act. The facts of the case clearly indicate that the petitioner is herself keeping away from the respondent, for which prima facie there is no justification. In the circumstances, it cannot be said that the respondent is refusing or neglecting to maintain the petitioner. Hence, the petition is dismissed.

(Smt. R.P. SondurBaldota, J.)