

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****WRIT PETITION NO. 7931 OF 2017**

Sarita w/o Amit Satpute,
 Age : 28 years, Occu.: Household,
 C/o.: Bhagwan Gadekar, Khandoba Nagar,
 Shevgaon, Tq. Shevgaon, Dist. Ahmednagar. PETITIONER
 (Ori.Respondent)

VERSUS

Amit Arjun Satpute,
 Age : 30 years, Occu.: Service,
 R/o.: Malivadi, Tq. : Ambad,
 Dist. Jalna. RESPONDENT
 (Ori. Applicant)

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Advocate for Petitioner : Mr. N. S. Jaju
 Advocate for Respondents : Mr. M. R. Sonwane

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CORAM : RAVINDRA V. GHUGE, J.
DATE : 26.09.2017

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.
2. The petitioner/wife is aggrieved by the order dated 27.03.2017, by which the application filed by the petitioner at Exhibit-14 seeking interim maintenance has been rejected on the ground that it is the duty of the wife to indicate that her monthly salary of Rs.4,500/- is not sufficient and she cannot survive in the said amount.
3. The petitioner relies upon the judgment of the Hon'ble Apex

Court in the matter of *Neeta Rakesh Jain v. Rakesh Jeetmal Jain* [AIR 2010 SC 3540]. The respondent relies upon the judgment of this court in the matter of *Ritula Singh v. Lt. Col. Rajeshwar Singh* [2010(4) Mh.L.J. 797].

4. Having considered the submissions of the learned advocates for the respective sides and upon going through the judgments cited, it is apparent that while deciding a claim for interim maintenance, the Trial Court is not required to conduct a detailed investigation into the matter. It has to consider the contentions of the parties, the comparative hardships and grant interim maintenance so that the claimant is in a position to sustain herself during the pendency of the proceedings.

5. It has come on record that the wife had lost her earlier employment and has taken up a new employment as a trainee clerk and is drawing consolidated wages of Rs.4,500/-. Her father is a pensioner and she is living with her father at Shevgaon, which is about 30 Kms. away from Taluka : Paithan where she has acquired the said temporary employment.

6. It is recorded by the Trial Court that the husband draws a monthly salary of Rs.29,611/-. His father and mother do not reside with him. His father owns a four-wheeler.

7. It requires no debate that in such matters, the Trial Court is expected to adopt a pragmatic approach rather than a pedantic approach. The comparative earnings of the litigating sides should have

been assessed and the Trial Court should have concluded as to whether the consolidated wages of Rs.4,500/- are sufficient for surviving in a month.

8. This petition is, therefore, partly allowed. The impugned order dated 27.03.2017 is quashed and set aside and Exhibit-14 stands allowed.

9. Considering the factors as recorded above and keeping in view the law laid down by the Hon'ble Apex Court recently in the matter of *Kalyan Dey Chowdhury v. Rita Dey Chowdhary Nee Nandy*, dated 19.04.2017 that 25% of the earnings of the husband would be appropriate maintenance, I find that, as an interim maintenance, the husband shall pay an amount of Rs.4,000/- per month from the date of application Exhibit-14.

vsm

(RAVINDRA V. GHUGE, J.)
JUDGE