

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 WRIT PETITION NO. 7640 OF 2016

RITESH MANGILAL JAIN
VERSUS
KANCHAN RITESH JAIN

...
Advocate for Petitioner : Mohan C Jain
Advocate for Respondents : Navandar Mehul Vikas

...
CORAM : P.R. BORA, J.
DATE : 06-04-2017.

P.C. :

1. With consent of the parties the petition is heard finally.
2. The petitioner is challenging the order of interim maintenance passed by the learned Ad-hoc Additional Sessions Judge, Jalgaon in Regular Civil Appeal No. 20 of 2014. Vide the said order the petitioner has been directed to pay monthly maintenance @ Rs. 5,000/- to the present respondent till the decision of the said appeal. This Court on 15.10.2016 has passed an order thereby directing the present petitioner to deposit an amount of Rs. 75,000/- towards the arrears of maintenance, the petitioner has deposited the aforesaid amount.
3. It is the contention of the petitioner that, he is already paying maintenance to his wife in another proceeding and also to his daughter. It is the further contention of the petitioner that, without considering the income of the petitioner, he has been directed to pay the interim maintenance to his wife @ Rs. 5000/-

per month. The learned counsel for the petitioner submitted that, it is just impossible for the petitioner to pay the maintenance at the aforesaid rate. Per contra it is the contention of the respondent-wife that, the petitioner has sufficient income and he can conveniently pay the interim maintenance to her @ Rs. 5000/- per month. The learned counsel for the respondent has, therefore, prayed for dismissal of the petition.

4. After having heard the learned counsel appearing for the respective parties, it appears to me that, the present petition can be disposed of with the following directions.

- i) The amount of Rs. 75,000/- deposited by the petitioner in this Court is permitted to be withdrawn by the respondent.
- ii) The petitioner shall deposit Rs. 15,000/- towards expenses as awarded by the District Court and also a additional sum of Rs. 25,000/- towards the interim maintenance within a period of one month from the date of this order, in the District Court at Jalgaon.
- iii) It would be open for the respondent-wife to withdraw the said amount of Rs. 40,000/- deposited in the District Court.
- iv) The learned District Judge is directed to hear and dispose of the Regular Civil Appeal No. 20 of 2014

expeditiously and preferably within a period of six months.

- v) After receiving the amount of Rupees One Lakh towards the interim maintenance and Rupees Fifteen Thousand towards the expenses of the petition, the respondent shall not insist for any more amount towards the maintenance or expenses till the decision of the appeal before the District Court. It would, however, be open for the respondent to revive her request for interim maintenance, in the event the decision of the appeal is prolonged beyond the period of six months at the instance of the petitioner.
- vi) The petition stands disposed of in the aforesaid terms.

(P.R. BORA)
JUDGE