

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

Writ Petition No. 07715 of 2017

District : Nanded

Anand s/o. Babhanaji Ingole,
Age : 57 years,
Occupation : Service,
R/o. Malegaon,
Taluka & District Nanded.

.. Petitioner.

versus

Savita @ Varsha w/o. Anand Ingole,
Age : 50 years,
Occupation : Anganwadi Sevika,
R/o. C/o. Marotrao Gaikwad,
Retired Teacher, Gokunda,
Taluka Kinwat, Dist. Nanded.

.. Respondent.

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Mr. Gajanan G. Kadam, Advocate, for the petitioner.

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CORAM : SUNIL P. DESHMUKH, J.

DATE : 19TH JUNE 2017

ORAL JUDGMENT :

Heard learned Counsel for the petitioner at quite some length.

02. The petitioner takes exception to order dated 15th February 2017, whereunder petitioner has been directed to pay a sum of Rs. 5,000/- per month to the respondent towards maintenance *pendente lite* from the date of application and additionally to pay Rs. 3,000/- towards costs of the litigation.

03. Learned Counsel for the petitioner vehemently contends that though the respondent has contended about Rs. 80,000/- per month are being received by the petitioner towards salary, who is working as Head Master, at the same time, the learned Judge has ignored that the respondent, as well, is working as *Aanganwadi Sevika* and is getting about Rs. 5,000/- per month. For said purpose, he purports to rely on chart as appended to the petition (page 85) in respect of December 2016. He further purports to rely on a document annexed to the petition at Exhibit "K" to contend that the petitioner is not in receipt of so much of the amount as contended on behalf of the respondent. He additionally submits that the petitioner's parents are to be maintained from the amount being received by the petitioner by way of salary. He, therefore, urges to set aside impugned order.

04. While considering arguments of the learned Counsel for the petitioner, that the respondent is getting Rs. 5,000/- per month and that deductions in salary of the petitioner are being shown at Exhibit "K" and after deductions, the petitioner has received Rs. 23,247/- in the month of April 2017, apart from the same, no other material is placed on record to show as to how much amount the petitioner is regularly getting. Even if amount shown at Exhibit "K" is considered, the Court has granted very smaller portion of the amount towards maintenance of the respondent. All these contentions which have been advanced stand negated by the considerations which have weighed with the trial Court before which the proceedings are pending. It has specifically been taken into account the object underlying Section 24 of the Hindu Marriage Act and that it is obligation of the husband to maintain wife. It has further referred to that it would not be heard that husband is unable to maintain due to financial constraints so long as he is capable of

earning. As the trial Court has particularly considered status of the petitioner and prevailing conditions of the respondent and thus she is entitled to receive interim maintenance at the rate of Rs. 5,000/- per month and Rs. 3,000/- towards costs. I do not see any strong reason to meddle with the impugned order which appears to be quite reasonable.

05. In the result, the Writ Petition fails and the same is rejected.

(Sunil P. Deshmukh)
JUDGE

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