

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8797 OF 2016**

**Sou Arpana Babasaheb Kamble
Vs.**

..Petitioner

Babasaheb Ratnappa Kamble

..Respondent

Mr. A. S. Patil for the Petitioner

Mr. T. S. Ingale for the Respondent

CORAM : R. M. SAVANT, J.

DATE : 11th JANUARY, 2017

P.C.

1 The Writ Jurisdiction of this Court is invoked against the order dated 6-2-2016 passed by the Learned Civil Judge Senior Division, Jaysingpur, by which order, the application Exhibit 12 filed by the Petitioner for maintenance came to be partly allowed and maintenance in the sum of Rs.1500/- per month came to be granted to the Petitioner from the date of the application i.e. from 8-9-2015.

2 It is not necessary to burden this order with unnecessary details. Suffice it would be to state that the Petitioner and the Respondent are estranged and are now living separately. The Respondent has filed Hindu Marriage Petition (for short HMP) No.37 of 2015 for divorce under Section 13(1)(i-a) of the Hindu Marriage Act. In the said HMP, the Petitioner filed the instant application under Section 24 for interim maintenance. It was the case

of the Petitioner that she was forced to leave the matrimonial home in or about August 2014. It is her case that she was also not permitted to meet the children and that the Respondent husband has made no provision for her maintenance. It is her case that the Respondent-husband is a primary teacher and his salary is in the sum of Rs.35,000/- per month. The Petitioner therefore sought interim maintenance in the sum of Rs.8,000/- along with litigation charges of Rs.25,000/-.

3 The Respondent-husband filed his reply and it is his case that he has filed divorce Petition in view of the fact that the Petitioner is having illicit relations. It is his case that when questioned about the said relation, the Petitioner would pick quarrel with him and also give evasive replies. It is his case that the Petitioner is not entitled to maintenance and that she earns sufficient amount by doing various odd jobs.

4 On the basis of the pleadings the parties led evidence. The Trial Court also framed the issues. In the evidence it has come on record that the gross salary of the Respondent is Rs.45,379/- and his net salary is Rs.42,069/-. It was the contention of behalf of the Respondent that he has to pay monthly installment of about 19,000/- towards the loan which has taken for construction of the house, and that he has to pay premium towards insurance of Rs.2868/-. The Trial Court having regard to the facts especially having

regard to the fact that he has to pay installment of Rs.19,000/- and that he has to look after his parents and children, allowed the application filed by the Petitioner for interim maintenance and have fixed the interim maintenance @ Rs.1500/- per month.

5 The Learned Counsel for the parties were heard in respect of the grant of the said interim maintenance. The Learned Counsel appearing for the Petitioner would make submissions in support of the enhancement of the said amount. Whereas the Learned Counsel appearing for the Respondent would support the impugned order. It is required to be noted that the Respondent herein draws a salary of Rs.45,379/- per month and the net payment to which he is entitled to Rs.42,069/-, in todays time the amount required for daily house expenses for one person would be in the region of Rs.100/- and multiplying the said figure by 30, the amount would be Rs.3000/- per month.

6 In my view, the interest of justice would be served if the Petitioner is granted interim enhancement from Rs.1500/- to Rs.2500/- per month. The impugned order to the extent that it directs the payment of interim maintenance @ Rs.1500/- is set aside. The Petitioner would be entitled to interim maintenance in the sum of Rs.2500/- per month. The other directions as contained in the operative part of the impugned order would continue to apply. It is expected of the Respondent that he should clear 50% of the arrears

within 4 weeks from date and the balance amount within a further period of 4 weeks. The Petition is allowed to the aforesaid extent and is accordingly disposed of.

[R.M.SAVANT, J]