

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION O. NO.2112/2016

IN

FAMILY COURT APPEAL NO.76/2016

Sau. Archana w/o Mahesh Dhire

...Versus...

Mahesh s/o Bhanudas Dhire

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri C.A. Joshi, Advocate for appellant
Shri N.S. Warulkar, Advocate for respondent

**CORAM : SMT. VASANTI A NAIK AND
ARUN D. UPADHYE, JJ.**

DATE : 28.06.2017

By this civil application, the applicant – wife seeks interim maintenance of Rs.50,000/- per month and Rs.30,000/- towards the litigation expenses.

It is stated on behalf of the applicant-wife that the non-applicant – husband is a Software Engineer and was earning an amount of Rs.1,50,000/- per month. It is submitted that a false statement is however made by the husband in the Family Court that he has resigned from the job and is doing nothing. It is submitted that the applicant-wife is unemployed and is not capable of securing employment. It is stated that the applicant-wife has only secured B.A. Degree and has failed in the Bachelor of Engineering Degree Course and is therefore not able to secure job for her livelihood. It is stated that in the circumstances of the case, a direction may be issued against the respondent to pay maintenance *pendente lite* to the applicant.

Shri Warulkar, the learned Counsel for the non-applicant-husband has opposed the prayer made in the application. It is admitted that the husband is a Software Engineer. It is however submitted that the husband has left the job in March, 2015 and is jobless since then. It is stated that the husband is surviving, solely on the basis of the income received by him from renting one ancestral house and two flats.

In the circumstances of the case, we are not *prima facie* inclined to accept the submission made on behalf of the non-applicant-husband that though he is a Software Engineer he is jobless for the past more than two years. On a reading of the evidence tendered by the parties, we direct the husband to pay a sum of Rs.4,000/- per month to the wife towards maintenance from the month of March, 2017. The arrears of monthly maintenance @ Rs.4,000/- should be cleared by the non-applicant within one month and the non-applicant should deposit the monthly maintenance of Rs.4,000/- in the Family Court at Akola regularly.

The civil application stands disposed of.

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Stand over after two weeks for further consideration.

JUDGE

JUDGE