

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8506 OF 2018
(Somesh Bhausahab Shinde Vs. Vanita Genu Belme)
WITH CIVIL APPLICATION NO.1101 OF 2019

Mr.M.S.Kulkarni, Advocate for the petitioner.
Mr.R.P.Phatke, Advocate for the respondent.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 04/04/2019

PER COURT :

1. The petitioner/husband is aggrieved by the order dated 17/01/2018 passed by the Trial Court in HMP No.126/2016, by which an amount of Rs.10,000/- per month is granted as maintenance *pendente lite* from the date of the application which is 20/10/2016.

2. After this petition was filed, this Court (Coram : Sunil P,Deshmukh, J.) stayed the impugned order by directing the petitioner to deposit Rs.80,000/- in this Court. The said amount has been deposited and the wife has withdrawn the said amount with the leave from this Court.

3. I have considered the strenuous submissions of the learned Advocates for the respective sides. The husband claims that he has no income at all as he is unemployed. He is pursuing his Ph.D. The respondent/wife is said to be a junior advocate, who is practicing at Taluka Kopergaon, Dist.Ahmednagar.

4. Learned Advocate for the wife submits that the husband is a Master of Technology (M.Tech.). He has registered for his Ph.D. He is operating Coaching Classes at Nasik and is drawing a large income. His income tax returns have not been placed before this Court.

5. Learned Advocate for the petitioner/husband submits that the proceedings before the Trial Court are at the stage of cross-examination of the husband. The wife has taken adjournments over a period of about 4 months. If the matter is directed to be decided within a particular time frame, the entire proceedings at the Trial Court level would be concluded.

6. Considering the above, and even if it is presumed for the sake of presumption that the Trial Court has granted interim maintenance on the higher side and even if it is taken to be @ of Rs.6,000/- per

month from November 2016, the amount of maintenance would be about Rs. 1,80,000/- approximately and the petitioner has paid an amount of Rs.80,000/-. The deficit, therefore is Rs.1,00,000/-. Of course, the learned Advocate for the wife does not agree to these calculations, but submits that this Court may direct a particular figure to be paid as arrears and further payments till the proceedings are decided.

7. In view of the above, this petition is disposed off by directing the petitioner to pay the respondent an amount of Rs.1,00,000/- to be deposited with the Trial Court within 4 (four) weeks from today and continue to pay an amount of Rs.6,000/- per month as an interim maintenance from the month of May 2019. The Trial Court shall decide HMP No.126/2016 on or before 31/12/2019. Though the suit is not pending for more than 5 years, as an issue of marital discord is subject matter of litigation, I am expediting the said suit as an exceptional case.

8. Needless to state, if the above directions are not complied with by the husband, this order shall stand recalled, the petition shall stand dismissed and the order of the Trial Court dated 17/01/2018 shall stand restored after 4 (four) weeks from today.

9. Pending civil application, does not survive and stands disposed off.

(Ravindra V.Ghuge, J.)