

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

929 WRIT PETITION NO.10274 OF 2018

DEORAM RAMCHANDRA NABGE
VERSUS
ASHA @ KANTA DEORAM NABGE

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Advocate for Petitioner : Mr. Kale Patil Dnyaneshwar R.
Advocate for Respondent : Mr. Gandhi Amol S.

CORAM : V. K. JADHAV, J.
DATE : 28.11.2019

PER COURT :-

1. By consent, this Writ Petition can be disposed off. Though the learned counsel appearing for the petitioner has vehemently submitted that the Appellate Court has not considered the monthly maintenance of Rs.1500/- awarded to the respondent-wife in Regular Civil Suit No.204 of 1999 and granted interim maintenance @ of Rs.5,000/-, however, during the pendency of this Writ Petition, the entire amount has been deposited before this Court and withdrawn by the respondent-wife. Thus learned counsel, on instructions, is not disputing the quantum of the interim maintenance now. The learned counsel, however, disputes the costs amount which according to him is exorbitant. The learned counsel submits that so far as

the pending appeal is concerned, the respondent-wife was not required to attend the Appellate Court each and every date and the advocate engaged by her had taken care of everything. The learned counsel for the respondent-wife, on instructions, submits that the order so passed by the Appellate Court to the extent of the costs may be modified and the reasonable amount of costs may be awarded to the respondent-wife.

2. In view of the above, this Writ Petition is hereby partly allowed to the extent of the costs as awarded by the District Judge, Ahmednagar in Regular Civil Appeal No.214 of 2011, below Exh.15 and the said is modified for an amount of Rs.20,000/- instead of Rs.50,000/- towards the litigation charges to the respondent-wife. The rests of the order passed below Exh.15 in Regular Civil Appeal No.214 of 2011 stands confirmed. Writ Petition is accordingly disposed off. The petitioner-husband shall deposit the aforesaid amount of costs of Rs.20,000/- within eight (8) weeks from the date of this order before the court below.

(V. K. JADHAV, J.)

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vmk/-