

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13675 OF 2019

VISHNU MAROTI RATHOD
VERSUS
VIMAL VISHNU RATHOD

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Advocate for Petitioner : Shri Gavhane R.U.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: November 11, 2019

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PER COURT :-

1. The petitioner / husband is aggrieved by the order dated 8.7.2019, passed by the trial Court, vide which, application Exhibit 29, filed by the wife under Section 24 of the Hindu Marriage Act is allowed in Marriage Petition No.286 of 2017 and the petitioner is directed to pay an amount of Rs.4,000/- per month to the wife from 24.4.2019.

2. The learned Advocate for the petitioner submits that in another proceeding under Section 12 of the Protection of Women from Domestic Violence Act, 2005, the wife has been granted maintenance at the rate of Rs.4500/-. Pursuant to the orders of this Court, the petitioner has paid Rs.90,000/-. Eventually, his Writ

Petition was disposed off by this Court and he continues to pay Rs.4500/- per month. There is no default of payment in the earlier proceedings.

3. The law is now settled in view of the judgment of the Delhi High Court in the matter of R.D. Vs. B.D. [2019 SCC OnLine Del 9526] that maintenance amount in two different proceedings can be awarded by the Court.

4. On the condition that the petitioner shall deposit the arrears of Rs.40,000/- before the trial Court, this petition can be entertained by reducing the maintenance to Rs.3,000/- per month from December 2019 during the pendency of this petition.

5. Issue notice to the respondents, returnable on 18.12.2019.

6. The petitioner shall deposit an amount of Rs.40,000/- before the trial Court on/or before 5.12.2019, failing which, there shall be no interim protection. If the amount is so deposited, the petitioner would be liable to pay Rs.3,000/- monthly interim maintenance in connection with the proceeding in hand and unconnected with the earlier proceeding, until further orders.

7. Copies of the petition paper book shall be furnished for issuance of notice on/or before 18.11.2019, failing which this petition shall stand dismissed without reference to the Court on 19.11.2019.

(RAVINDRA V. GHUGE, J.)

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