

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

WRIT PETITION NO.3510 OF 2016

Reena w/o Shivshankarsingh Solanki, Civil Lines, Gondia

-vs-

Shivshankar s/o Narayansingh Solanki, New Laxmi Nagar, Gondia

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri R. M. Pande, Advocate for petitioner.

Shri M. R. Johrapurkar, Advocate for respondent.

CORAM : A.S.CHANDURKAR, J.

DATE : September 09, 2019

The challenge raised in the present writ petition is to the order directing payment of interim maintenance during pendency of the proceedings initiated by the petitioner herein in proceedings for grant of divorce. In the application that was moved by the petitioner under Section 24 of the Hindu Marriage Act, 1956 it was prayed that as the respondent was having business of computer hardware, he was in a position to pay an amount of Rs.25,000/- per month towards interim maintenance. It was stated that the respondent's income was up to Rs.50,000-65,000/- per month and hence the amount as prayed for was liable to be awarded.

In the reply filed by the respondent it was denied that he was earning the amounts as stated by the petitioner. On the contrary it was stated that he had never handled computers and that he was

searching for some private job. The learned Judge of the trial Court after considering the application and reply directed the respondent to pay interim maintenance at the rate of Rs.3,000/- per month. Not being satisfied with the quantum of interim maintenance the petitioner seeks enhancement therein.

2. Heard Shri R. M. Pande, learned counsel for the petitioner and Shri M. R. Johrapurkar, learned counsel for the respondent. The material relied upon by the petitioner for seeking further enhancement in the amount of maintenance is the same material that was considered by the trial Court while awarding an amount of Rs.3,000/- per month. In absence of any other material to indicate the income of the respondent it would not be permissible to direct enhancement in the amount of interim maintenance. On the contrary as the proceedings had been filed in the year 2015 the parties can lead evidence therein to justify grant of necessary relief in the matter.

3. In that view of the matter I do not find any justification for further enhancing the amount of interim maintenance. In the facts of the case the proceedings in H.M.P. No.112/2015 are expedited. The trial Court shall decide the said proceedings expeditiously on

their own merits and in accordance with law. The trial Court shall not be influenced by any observations made in this order.

The writ petition is disposed of in aforesaid terms. No order as to costs.

JUDGE