

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

WRIT PETITION NO.6859 OF 2018

DEVIDAS SUKDEO GHATE  
VERSUS  
HARSHIDA DEVIDAS GHATE

...

Advocate for the Petitioner : Shri Vijay Y. Patil  
Advocate for the Respondent : Shri S.P.Shah h/f Ms.Kazi Sabahat T.

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**CORAM: RAVINDRA V. GHUGE, J.**

**DATE :- 07<sup>th</sup> March, 2020**

**Per Court:**

1           The petitioner/ husband is aggrieved by the order dated 17.11.2017 passed by the Trial Court vide which, the application exhibit 11 filed by the respondent/ wife seeking interim maintenance in HMP No.55/2015 has been partly allowed and she is granted an amount of Rs.4000/- per month towards maintenance pendente lite under Section 24 of the Hindu Marriage Act, 1955 and an amount of Rs.200/- towards expenses with regard to the dates on which the respondent would attend the court proceedings. Rs.3000/- have been granted towards advocate's fees. It is submitted that as and when the wife used to remain absent in the proceeding in the Trial Court, the costs used to be imposed upon her.

2           The learned advocate for the petitioner has strenuously

criticized the impugned order and submits that he is a happily married man with another lady by name Pramila and they have three children. He never married the respondent. A theory that these two parties got married in the temple has no proof and there is no evidence that they got married or cohabited as a husband and wife.

3           He has drawn my attention to the grounds A to H formulated in the memo of the petition. It is alleged that the the respondent/ wife wants to kill the husband. She is threatening him for money. In the absence of any proof of marriage, the respondent/ wife is not entitled to any maintenance amount.

4           Shri Shah, learned advocate, submits that he is mentioning on behalf of Mrs.Kazi, learned advocate on behalf of the respondent/ wife.

5           I find from the record that the main proceeding lodged in 2015 by the respondent/ wife is still pending. There are certain other proceedings, which are also pending between the parties. The Trial Court is yet to deal with the rival claims and this would be a part of the adjudicatory process after the parties lead oral and documentary evidence.

6           Section 24 of the Hindu Marriage Act, 1955 permits granting of maintenance pendente lite to reduce the rigours of litigation of the wife and to ensure that she has enough funds to survive. With such maintenance and being unemployed, she would be entitled for financial assistance. In my view, an amount of Rs.4000/- that is granted, cannot be

said to be a large sum towards monthly maintenance of a lady, who claims to be the wife of the petitioner.

7 In view of the above, this Writ Petition is disposed off with the following directions :-

- (a) The petitioner/ husband shall deposit the arrears of maintenance as is granted by the order dated 17.11.2017 before the Trial Court in HMP No.55/2015 on or before 15.04.2020.
- (b) After the amount is deposited, the respondent/ wife would be at liberty to withdraw the same as the said financial assistance would enable her to support herself.
- (c) The Trial Court shall endeavour to decide HMP No.55/2015 as expeditiously as possible and in any case, on or before 31.10.2020. The parties shall render fullest cooperation to the Trial Court and shall not seek unnecessary adjournments.
- (d) If the petitioner/ husband does not deposit the arrears as directed above, the Trial Court would be at liberty to pass an order of striking off his defence/ dismiss his case.
- (e) The payment of maintenance pendente lite till the decision of the proceeding would not cause prejudice to the allegation of the petitioner that the respondent is not his wife.
- (f) While deciding the said proceeding, the Trial Court would

consider the oral and documentary evidence available and the decision delivered by the learned Family Court, Dhule in Petition No.E-7/2018 on 28.03.2019.

- (g) If it is noticed that the wife is adjourning the proceedings unnecessarily, the Trial Court would be at liberty to consider whether, to continue or reduce the maintenance pendente lite after 31st October, 2020.

*kps*

**(RAVINDRA V. GHUGE, J.)**