

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2378 OF 2020

Gangaram Genu Shinde & Anr.

...Petitioners

Vs.

Varsha Vikram Shinde & Ors.

...Respondents

Mr. Vaibhav Gaikwad, Advocate for the Petitioners.

CORAM : A.S. GADKARI, J.

DATE : 11th MARCH, 2020.

PC. :

. By the present petition, the petitioners/original defendant nos.1 and 2 have impugned Order dated 21st September, 2019 passed below Exh.6 in Regular Civil Suit No.151 of 2017, thereby allowing the application preferred by respondent nos.1 and 2 for interim maintenance by the Learned Assistant Civil Judge, Junior Division, Wai.

2. Heard learned counsel for the petitioners. Perused record.

3. The record indicates that, respondent no.1 is the daughter-in-law of the petitioners. It further appears that, husband of respondent no.1 and son of petitioners namely Vikram Gangaram Shinde predeceased them. The Respondent No.1 has instituted the aforesaid Regular Civil Suit No.151 of 2017 before the Learned Assistant Civil Judge, Junior Division, Wai for partition of the suit property by its metes and bounds and for her appropriate share in it.

She has also prayed for other consequential reliefs, in the said suit.

4. The record further reveals that, Respondent No.1 has filed aforestated application below Exh.6 for interim compensation for her subsistence and medical expenses @ Rs.10,000/- per month, during pendency of the said suit and till the suit property is partitioned by metes and bounds, from the defendants.

5. As noted earlier, the petitioners herein are the in-laws of respondent no.1. The Trial Court by its impugned Order while allowing the application has awarded Rs.5,000/- as interim maintenance in favour of respondent no.1. It is a matter of record that, respondent no.1 is wholly depending on her in-laws after the death of her husband.

The contention of learned counsel for the petitioners that, respondent no.1 is being supported by respondent no.6 i.e., mother of respondent no.1 is recorded only for its rejection as the petitioners cannot expect their daughter-in-law to be dependent on her parents throughout and/or for rest of her life.

The Trial Court by its impugned Order has awarded Rs.5,000/- per month towards interim maintenance till the suit property is partitioned and respondent no.1 gets her separate share in the suit property, though respondent no.1 in her application below Exh.6 had applied for Rs.10,000/- per month as interim compensation.

6. Perusal of record and impugned Order would indicate that, the Trial Court has not committed any error either in law or on facts while passing the impugned Order.
7. Petition being devoid of merits and is accordingly dismissed.

[A.S. GADKARI, J.]