

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5458 OF 2019**

Manojkumar Radheshyam Gupta .. Petitioner

Vs.

Smt. Rekha Harilal Gupta & Ors. .. Respondents

...

Ms. Suvarna Valunj for the Petitioner.

Mr. Ashwin Dalvi i/b Mr. Nitesh Mohite for Respondent No.1.

Mr. A.B. Kadam, A.G.P. for Respondent No.3.

...

CORAM: SMT. BHARATI DANGRE, J.

DATED : 28th FEBRUARY, 2020.

P.C:-

1. The present Writ Petition assails the order dated 11/04/2019 passed by the Joint Civil Judge, Senior Division, Kalyan. By the said order, the Application filed by the Respondent under Section 24 of the Hindu Marriage Act, 1955 seeking interim maintenance during the pendency of the Petition filed by the Petitioner under Section 11 of the Hindu Marriage

Act has been allowed. Pertinent to note that the Petitioner has filed the Petition under Section 11 of the Hindu Marriage Act to declare the marriage solemnized with the Respondent on 11/05/2017 to be null and void on the ground that she is already married to another man and this fact was suppressed by the Respondent and her relatives. Pending the said Petition, the Respondent has taken out an Application under Section 24 of the Hindu Marriage Act alleging therein that the marriage between the parties were solemnized on 11/05/2017 and for a period of three months, they co-habitated and, thereafter, she was sent to her parental house.

2. The Application preferred on 05/12/2017 set out the pendency of Application under Section 11 of the Hindu Marriage Act and, by expressing inability to maintain herself in absence of any independent source of income, the Respondent-wife has prayed for grant of maintenance of Rs.50,000/- per month and the expenses incurred by her in contesting the said proceedings to the tune of Rs.25,000/- along with the costs of Rs.10,000/- towards her travelling expenses.

3. The impugned order, on taking into consideration the ingredients of Section 24 of the Hindu Marriage Act and on consideration of the fact that the Respondent, has no independent source of income and she has to defend the proceedings

filed against her and, considering the income of the Petitioner, the Joint Civil Judge, Senior Division has directed the Petitioner to pay maintenance at Rs.6,000/- per month *pendente lite*.

4. The contention of the Petitioner that the Respondent is not his legally wedded wife cannot be looked into at this stage because it is not in dispute that the Petition filed under Section 11 of the Hindu Marriage Act is still pending before the Joint Civil Judge, Senior Division, Kalyan and the impugned order is premised on the rationale contained in Section 24 of the Hindu Marriage Act, the same calls for no interference and is upheld.

5. The Writ Petition is dismissed.

[SMT. BHARATI DANGRE, J.]