

Mr.Rishabh Ashok Makkar	...	Petitioner
versus		
Mrs.Krishna Rishabh Makkar	...	Respondent

Rushikesh Barge for the Respondent.

DATE :- MARCH 3, 2020

1. The learned counsel for the respondent placed on record the judgment and decree passed by the learned Joint Civil Judge, Senior Division, Vasai in Marriage Petition No.304 of 2017. It is marked as 'X' for identification. By the judgment dated 8th February, 2018, the petition filed by the husband under Section 13(1)(i-a) of the Hindu Marriage Act, 1955 has been dismissed.

2. In the present writ petition, the petitioner -husband has raised a challenge to the order of interim maintenance passed on an application filed under Section 24 of the Hindu Marriage Act, 1955, by which the wife had sought interim maintenance for herself and her minor son alongwith the expenses of the

proceedings. By order dated 23rd October, 2017, the learned Joint Civil Judge, Senior Division, Vasai had directed the petitioner-husband to pay an amount of Rs.7,000/- per month towards interim maintenance to the wife and Rs.1,000/- per month towards expenses of the proceedings. An amount of Rs.5,000/- per month was also directed to be paid by way of interim maintenance to the minor son. The amount was directed to be deposited from 23rd September, 2017 i.e. from the date of the application.

3. When the writ petition was heard by this Court on 26th September, 2018, this Court granted stay to the execution proceedings subject to the petitioner depositing entire arrears in terms of the impugned order in this Court.

4. Pursuant to the order, the petitioner has deposited an amount of Rs.1,56,000/- in this Court on 4th October, 2018.

5. On the marriage petition being disposed of on 8th February, 2018, the application filed under Section 24, which granted interim maintenance, must stop its operation since the order was in the form of maintenance *pendente lite*. The respondent/wife and the minor son would be entitled for availing the benefit of the order passed under Section 24 till 8th February, 2018.

6. Though the petitioner has questioned the impugned order on the ground of its excessiveness and not taking into consideration the financial capacity of the petitioner, he has deposited the amount of maintenance due till 8th September, 2018 in this Court. The equities can be balanced if the respondent is permitted to withdraw the amount towards arrears of the interim maintenance for herself and her son along with the litigation expenses as directed by the impugned order till 8th February, 2018. As far as the remaining amount is concerned, the petitioner is at liberty to take the amount back. The Registry is directed to do the needful by calculating the amount of interim maintenance due to the respondent in terms of the impugned order till 8th February, 2018 and thereafter remit the remaining amount in favour of the petitioner.

7. With the aforesaid directions, the writ petition stands disposed of.

(SMT.BHARATI DANGRE, J.)