

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3535 OF 2022

Ajinkya Jaywantrao Badwe

...Petitioner

Versus

Shraddha Ajinkya Badwe

...Respondent

Mr S.N. Lale Yelwatkar, Advocate for Petitioner
Mr S.S. Patil, Advocate for Respondent sole

CORAM : SANDEEP V. MARNE, J.

DATE : 10th NOVEMBER, 2022

PER COURT :

1. By this petition, the petitioner assails order dated 01.03.2021 passed by the Family Court, Aurangabad awarding interim maintenance of Rs.6,000/- to the respondent under the provisions of section 24 of the Hindu Marriage Act, 1955.

2. I have perused the order passed by the Family Court and find that the Family Court has neither dealt with the material produced on record nor has adduced reasons for awarding interim maintenance to the respondent. The Family Court has not taken into consideration the admitted position that the respondent has been earning monthly income of Rs.45,000/- out of her employment. The Family Court has also not taken into consideration the income of the petitioner. Without considering these vital aspects, the Family Court has proceeded to grant interim maintenance in favour of the respondent.

3. The order passed by the Family Court is therefore unsustainable and is set aside. The application filed by the respondent under section 24 of the Act of 1955 is restored on the file of Family Court, Aurangabad to be decided afresh after taking into consideration all the material placed on record by both the parties as expeditiously as possible and preferably, within a period of six months from today.

4. It is pointed out that in pursuance of the order dated 01.03.2021, the petitioner has already paid an amount of Rs.1,67,000/- to the respondent towards interim maintenance. That amount would be subject to the final outcome of proceedings.

5. The Petition is accordingly partly allowed with no order as to costs.

[SANDEEP V. MARNE, J.]

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