

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.13131 OF 2022**

VISHAL PANDIT KALE
VERSUS
HARSHA VISHAL KALE

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Mr. Sachin S. Randive, Advocate for the Petitioner.

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**CORAM : SANDEEP V. MARNE, J.
DATED : 22nd DECEMBER, 2022.**

PER COURT:-

1. By this petition petitioner challenges the order dated 29.09.2022 passed by the 2nd Joint Civil Judge, Senior Division, Bhusawal awarding interim maintenance of Rs.10,000/- per month in favour of respondent under the provisions of Section 24 of the Hindu Marriage Act.

2. Petitioner is employed in the Indian Railways and receives gross salary of Rs.40,860/-. It is the contention of petitioner that on account of loan of Rs.5,50,000/- availed for artificial legs, he is required to pay EMI of Rs.17,799/- and this reduces his net pay to Rs.17,952/-. It is further claimed that petitioner has availed loan from LIC for which he is required to pay further EMI of about Rs.13,000/-. This leaves the income of only Rs.4952/- to petitioner and that, therefore, he is unable to pay the interim maintenance of Rs.10,000/- awarded by the Trial Court.

3. Upon being questioned as to when the loans were availed, learned counsel submits that the LIC loan was availed in April 2022. The couple has started staying separately from each other since December 2021. It is quite perplexing that, if net

salary of petitioner was coming at Rs.17,952/- after deduction of EMI for artificial legs, how petitioner opted for another loan from LIC which reduced his net pay to Rs.4952/-. Petitioner claims that there are old age parents in his house and he is required to pay care of them as well. This makes it further difficult to believe that availing of loan was necessary. *Prima facie* it appears that loans are availed in order to defeat the legitimate claim of wife towards maintenance.

4. The Trial Court has not committed any error in awarding interim maintenance of Rs.10,000/- to respondent-wife. The petition is devoid of merits. The same is dismissed without any orders as to cost.

5. Needless to state that, the Trial Court shall not be influenced by any of the observations made in the present order while deciding the proceedings before it.

(SANDEEP V. MARNE)
JUDGE