

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION 12684 OF 2017

Rajaram Soma Shelkande

..... Petitioner

VERSUS

Nalaini Rajaram Shelkande

..... Respondent

Mr. Kapil P.Shetye for the Petitioner.

Mr.D.J.Shejul for the Respondent.

CORAM : ROHIT B.DEO, J.

DATE : 8TH JUNE, 2022

P.C:-

The petitioner husband is assailing order dated 24th August, 2017 rendered by the District Judge - 11, Pune in Regular Civil Appeal No. 57 of 2016 whereby allowing the application preferred by the respondent wife under section 24 of the Hindu Marriage Act, 1955, the husband is directed to pay monthly interim maintenance of Rs.3,000/- to the wife and Rs.2,000/- each to two daughters from the wedlock.

2. The husband is a Government servant and was earning monthly salary of Rs.64,455/- as on the date of the order impugned. The

income in hand, after the deduction, is referred to in the order impugned as Rs.38,662/-. However, it is not clear from the order impugned if the deductions are statutory deductions which can be factored in to consider the income.

3. Be that as it may, I see no reason to interfere in the order granting interim maintenance. The well entrenched position of law is that while considering entitlement to interim maintenance, the Court is not expected to make a searching enquiry and a finding that the wife is not in a position to maintain herself should be logically followed by the order of the interim maintenance. The submission of the learned counsel for the husband is that the wife receives rental income, and that during the pendency of the proceedings, the husband has purchased an apartment and he is required to pay the monthly installments of the loan availed, the details of which were not unfortunately placed before the Court. I note that the petition is pending since 2016 on the issue of interim maintenance. Considering the passage of time, I am not inclined to consider the additional material which according to the husband would have a bearing on the quantum of maintenance. I am satisfied that there is no perversity as such in the order impugned and

that all relevant factors are duly considered by the Court below.

4. I see no reason to interfere in writ jurisdiction and the petition is dismissed.

5. However, the learned Appellate Court is requested to decide the appeal expeditiously and in any event within next nine months. The learned Appellate Court shall proceed with the hearing of the appeal only after the husband deposits the entire arrears of maintenance, if any arrears are due.

[ROHIT B.DEO, J.]