

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL REVISION APPLICATION NO.28 OF 2022

Mayuri w/o Sameer Pande

Vs.

Sameer s/o Suryakant Pande

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. B. Gandhe, Advocate for applicant.

CORAM : AVINASH G. GHAROTE, J.
DATE : 08/02/2022

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Heard Mr. Gandhe, learned counsel for the applicant. The challenge is to the order dated 20.11.2021 passed by the learned Family Court, Amravati, whereby the application below Exh.32 filed by the applicant for maintenance pendent-lite under Section 24 of Hindu Marriage Act, 1955, has been rejected. By this application, the applicant had sought interim maintenance to the tune of Rs.20,000/- and cost of Rs.10,000/- against the respondent/husband.

3. The learned Family Court has found that the applicant and her daughter have already been granted interim maintenance of Rs.10,000/- per month, in D.V. proceedings No.21 of 2017, as against the net salary

received by the respondent, which was to the tune of Rs.22,000/-. It is contended, that the salary of the respondent/husband, is in fact of Rs.42,839/- and therefore, the applicant was entitled, to maintenance of Rs. 20,000/- per month.

4. No doubt, that the salary certificate placed on record at page 50 dated 20.10.2021, indicates that the gross salary of the respondent/husband was Rs.42,839/- however, there are deductions to the tune of Rs.20,848/- therefrom, leaving the net salary at Rs.21,991/-, considering which, the impugned order which places reliance upon this position cannot be faulted with, as the applicant and her daughter, are already getting Rs.10,000/- per month in D.V. proceedings No.21 of 2017. Even if, the gross salary of the respondent is considered, the maintenance already being received would be nearly 1/4th of the same, considering which, I do not find any infirmity in the reasoning rendered by the Court below.

5. The revision application is accordingly dismissed. No costs.

JUDGE

Sarkate