

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

WRIT PETITION NO. 5571 OF 2022

Sapna Ashwin Khobragade

Vs.

Ashwin Sudam Khobragade

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. R.S. Kurekar, Advocate for petitioner.

CORAM : VINAY JOSHI, J.

DATE : 07.12.2022.

Heard.

2. The petitioner-wife has challenged order dated 12.07.2022, by which the trial Court has declined to grant interim maintenance in terms of Section 24 of the Hindu Marriage Act, 1955. The challenge is raised on the ground that the trial Court has only considered that in some other proceedings interim maintenance has been awarded, therefore, declined to grant interim maintenance.

3. The petitioner-wife has filed an application i.e. Hindu Marriage Petition No.58/2018, under Section 9 of the said Act, seeking restitution of

conjugal rights. In said proceeding, she has filed application under Section 24 of the said Act, seeking *pendente lite* maintenance from the respondent husband.

4. The learned trial Court has considered that in rival Hindu Marriage Petition No.186/2017 filed by respondent-husband for divorce, the same Court has already granted interim maintenance @Rs.15,000/- per month under Section 24 of the said Act. Moreover, the trial Court has considered that in the proceeding filed by petitioner-wife under the provisions of Protection of Women from Domestic Violence Act, 2005, interim maintenance @Rs.5,000/- per month has been awarded. Taking into account the said aspect, the trial Court has declined to grant interim maintenance.

5. The learned counsel appearing for petitioner would submit that Section 24 of the said Act, does not preclude the Court from awarding interim maintenance only because in some other proceedings, maintenance has been awarded. The very purport of Section 24 of the said Act is to provide or make an interim arrangement to facilitate

the party(wife) to meet the expenses during pendency of the litigation.

6. Admittedly, in the proceeding filed by respondent-husband the interim maintenance @Rs.15,000/- per month and in the Domestic Violence proceeding Rs.5,000/- per month total amount of Rs.20,000/- per month, has been awarded to the petitioner-wife. The purpose of grant of *pendente lite* maintenance has already been achieved. Merely because a wife has multiplied one another proceeding, it does not mean that she has legal right to claim interim maintenance despite she is getting substantial sum by virtue of orders in other proceedings.

7. It is not the petitioner's case that the interim maintenance which has been awarded in both proceedings is inadequate. The trial Court has rightly considered that already wife is receiving interim maintenance in both the proceedings and therefore, the petition carries no merit.

8. In view of above, the petition stands dismissed of. No order as to costs.