



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7502 OF 2023

Ankush Gajanan Shekokar .. Petitioner

Versus

Shubhangi Ankush Shekokar .. Respondent

Shri Anant R. Devakate, Advocate for the Petitioner.

Shri Kshitij Surve, Advocate for the Respondent.

CORAM : SHAILESH P. BRAHME, J.

DATE : 08TH DECEMBER, 2023.

FINAL ORDER :

. Heard learned counsel for both the sides finally.

2. An order awarding interim maintenance of Rs. 10,000/- to be paid to the respondent-wife is under challenge.

3. The petitioner has filed Petition No. A-186 of 2019 for dissolution of marriage before the Family Court at Aurangabad. The respondent-wife is contesting the proceedings by filing written statement. She has filed counter claim for dissolution of marriage independently on her own merits. Pending the proceedings application Exhibit 8 was filed U/Sec. 24 of the Hindu Marriage Act claiming maintenance of Rs. 27,000/- per month. It was opposed by filing say at Exhibit 13 filed by the petitioner. By the impugned order Rs. 10,000/- per month is

awarded as a maintenance by the Family Court from the date of application.

4. The learned counsel for the petitioner submits that the quantum awarded by the learned Judge of the Family Court is totally unreasonable and without any basis. The respondent has definite source of income, which is reflected in the bank accounts has not been appreciated by the learned Judge. The findings recorded in the impugned order are perverse. The petitioner has responsibility of his ailing parents and his take home salary is Rs. 28,511/- per month.

5. The learned counsel would submit that when both the parties are seeking relief of dissolution of marriage, the learned Judge should have decided the main proceedings in stead of embarking into interim maintenance. The respondent has not disclosed her income in the affidavit and this conduct is against the law laid down by the Supreme Court in the matter of **Rajnish Vs. Neha** reported in **2021 (2) SCC 324**.

6. The learned counsel for the respondent supports the impugned order. According to him the learned Judge is justified in awarding the quantum taking into account of circumstances of the matter. No case is made out to cause interference in the impugned order.

7. I have considered the reasons assigned by the learned

Judge for awarding interim maintenance. The bank accounts of the State Bank of India and Central Bank of India are considered by the learned Judge. The conclusion drawn by the learned Judge is plausible. There is no definite income for the respondent. The bank accounts produced on record do not suggest that she has regular source of income so as to dis-entitle her to claim interim maintenance.

8. The petitioner is in service and working in Employees Provident Fund Organization. His pay slip is duly considered by the learned Judge and the interim maintenance is awarded. I do not see any perversity or patent illegality in the impugned order.

9. However, both the parties are seeking dissolution of marriage independently on their own merits. Proceedings are pending since 2019. It is desirable to direct the learned Judge of the Family Court Aurangabad to conclude the proceedings within a period of five (05) months from today.

10. I do not find it proper to interfere in the impugned order. The writ petition is disposed of with a direction to the learned Judge, Family Court Aurangabad to decide the Petition No. A-186 of 2019 within a period of five (05) months from today.

[SHAILESH P. BRAHME, J.]