

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

WRIT PETITION NO.4418 OF 2022

(VIVEK RAMCHANDRA BODE..VS.. SAU. KIRAN VIVEK BODE.)

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

Court's or Judge's orders

Shri C.F.Bhagwani, Advocate for Petitioner.
Shri P.P.Thakre, Advocate for Respondent.

CORAM : ANIL S. KILOR, J.

DATED : JULY 18, 2023.

1. Heard.
2. The order granting interim maintenance of Rs.5,000/- to the respondent-wife is under challenge in the present petition. The challenge was raised only on the ground that she was serving in a school as Assistant Teacher and therefore, directing to pay interim maintenance is unwarranted.
3. The learned counsel for the respondent points out that she was terminated w.e.f. 22/02/2022 and despite the fact that the appeal filed against the termination was allowed, she has not been reinstated in service in view of the stay granted by this Court in the writ petition raising challenge to the said order passed in appeal.
4. In the above referred backdrop, I am of the opinion that the amount of Rs.5,000/- as interim maintenance cannot be considered as sufficient for any

person like the respondent considering her standard of living, as sufficient to live a dignified life.

5. In the circumstances I do not want to interfere with the order, however, it is an admitted fact that she was serving in a school as Assistant Teacher and she served till 22/02/2022. Even if there is a dispute that the Management has not paid salary from the date of her appointment till the date of her termination, the respondent is having remedy which she can avail to recover the amount of salary from the Management. However, after the termination, in absence of any evidence that she is earning, I am of the opinion that from the date of termination she is entitled for interim maintenance as granted by the learned Family Court.

6. The petitioner shall pay Rs.5,000/- as interim maintenance from the date of termination till reinstatement of the petitioner.

7. As far as disputed period is concerned, i.e. period prior to termination and after reinstatement, all the points are kept open in this regard, which the petitioner and respondent may agitate before the Family Court.

8. Accordingly, the writ petition is **disposed of** in the above terms. No order as to costs.