

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1140 OF 2024

Prasad Sureshrao Honkalas

...Petitioner

V/s.

Soniya Prasad Honkalas

...Respondent

Mr. Manish N. Jain a/w. Ms. Ritu G. Gehlot i/b S. M. Jain Associates for the
Petitioner.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 29th JANUARY, 2024.

P. C.:-

1. The challenge in the petition is to the order dated 21st June 2023 directing the petitioner to pay monthly interim maintenance to the respondent.

2. Mr. Jain, learned counsel appearing for the petitioner submits that the quantum of maintenance was arrived at by learned Trial Court by considering that there are no proceedings under Section 125 of Cr.P.C. or under Section 12 of the Domestic Violence Act. He submits that subsequently order of maintenance has been passed under Section 125 of Cr. P. C. and that the said amount which was granted will have to be taken into consideration even in the proceedings under the Hindu Marriage Act,

1955. He further submits that the fact of grant of maintenance under the Hindu Marriage Act, 1955 was not brought before the Court dealing with the Application under section 125 of Cr.P.C.

3. Considering that subsequent to the passing of the impugned order in proceedings under section 125 of Cr.P.C., maintenance has been granted to respondent. It is open to the petitioner to seek necessary modification of the order of maintenance passed by Trial Court. Nothing has been shown to demonstrate perversity in findings of Trial Court in awarding maintenance. As such the petition is dismissed with liberty to the petitioner to apply to the Civil Judge, Senior Division, Kalyan seeking modification of the order of maintenance. If such application is filed the Trial Court to consider the same on its own merits and in accordance with law.

(SHARMILA U. DESHMUKH, J.)