



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 2271 of 2023

[Sau. Suvarna w/o Vijay Soundale ..vs.. Vijay S/o Vitthalrao Soundale]

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

Court's or Judge's orders

Mr. R. P. Waghmare, Advocate for the petitioner

CORAM : ANIL L. PANSARE J.

DATED : 25-09-2024

The challenge is to order dated 24-2-2020 passed by the learned Joint Civil Judge Senior Division, Wardha granting interim maintenance to the petitioner – wife in terms of Section 24 of the Hindu Marriage Act in the proceedings filed by the respondent – husband seeking divorce under the provisions of the said Act.

2. Learned counsel for the petitioner – wife has invited my attention to the order passed by the trial Court wherein the interim maintenance is granted from the date of order. According to learned counsel, the interim maintenance ought to have been granted from the date of filing application.

3. The Hon'ble Supreme Court in the case of *Rajnish Vs. Neha and anr. [(2021) 2 SCC 324]* which is relied upon by the learned counsel for the petitioner, passed various directions while dealing with the issue of maintenance in various proceedings. Under direction (b), the Supreme Court has directed to consider the disclosure of assets and liabilities while granting order of interim maintenance. The Supreme Court under direction (d) has clarified that maintenance in all cases will be awarded

from the date of filing the application for maintenance. The counsel for petitioner is correct in contending that the trial Court ought to have granted maintenance from the date of application in terms of aforesaid mandate.

4. None appears for respondent to counter submissions made by the petitioner.

5. Resultantly, the impugned order requires modification. The writ petition is, accordingly, partly allowed.

6. Order dated 24-2-2020 passed below Exhibit 13 in H.M.P No. 415/2018 by 5th Joint Civil Judge Senior Division, Wardha stands modified to the extent that the interim maintenance granted, is payable from the date of filing application. The respondent shall act accordingly.

7. Writ petition is disposed of in above terms with no order as to costs.

(Anil L. Pansare, J.)