



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

CRIMINAL WRIT PETITION NO.66 OF 2024

Mrs. Jyoti w/o Durgaprasad Chourasia
(Vs.)

Durgaprasad s/o Satyanarayan Choursiya

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

Court's or Judge's orders.

Mr. P.A. Abhyankar, Advocate for petitioner.
Mr. A.A. Choubey, Advocate for respondent.

CORAM : G.A. SANAP, J.

DATE : 23.09.2024

Heard learned Advocates for the parties.

Perused the record and proceedings.

2. In this petition, challenge is to the judgment and order dated 27.10.2023, whereby the learned Additional Sessions Judge-11, Nagpur dismissed the appeal filed by the petitioner-wife and confirmed the order dated 21.11.2022 passed by the 16th Joint Civil Judge, Senior Division, Nagpur. Learned Civil Judge Senior Division vide order dated 21.11.2022 was pleased to partly allow the application for interim maintenance and quantified the interim maintenance at the rate of Rs.10,000/-

(Rupees Ten Thousand Only) per month.

3. I have gone through the record and proceedings. It is evident on perusal of the record that the respondent-husband is a pensioner. He is getting total pension of Rs.58,000/- (Rupees Fifty Eight Thousand Only) per month. The husband is residing in his flat separately. The wife is also residing in separate house jointly owned by the parties. It is seen that there is dispute with regard to the withdrawal of fixed deposits and other properties. It is not necessary to go into that dispute.

4. When this Court noticed that the amount of interim maintenance was not just, proper and reasonable, learned Advocates for the parties submitted that the Court in its discretion may decide the appropriate amount of interim maintenance. After some deliberation learned Advocates for the parties have stated that the amount of Rs.17,000/- (Rupees Seventeen Thousand Only) per month may be awarded as a interim maintenance.

5. In view of this statement, it is necessary to modify the order.

6. The Criminal Writ Petition is accordingly partly allowed.

i) The order awarding interim maintenance is modified. In place of Rs.10,000/- (Rupees Ten Thousand Only) husband-respondent is directed to pay interim maintenance at the rate of Rs.17,000/- (Rupees Seventeen Thousand Only) in terms of the order dated 21.11.2022 passed by the learned 16th Joint Civil Judge, Senior Division, Nagpur.

ii) It is made clear that concession given by the Advocates for the parties shall not stand in the way of parties while deciding the main application on merits.

iii) Two months time is granted to the respondent to pay the arrears in terms of the order.

JUDGE