



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

906 WRIT PETITION NO. 5163 OF 2024

Sachinkumar Yuvraj BangarPetitioner

VERSUS

Punam Sachinkumar BangarRespondent

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Mr. P. D. Bachate, Advocate for the Petitioner.

CORAM : R. M. JOSHI, J.
DATE : 8th JANUARY, 2025.

PER COURT :

1. This Petition takes exception to the order of interim maintenance of Rs. 7,000/- granted by the learned Trial Court to Respondent/wife in HMP No. 203/2021.

2. Perusal of the record indicates that there is no dispute about the fact that Petitioner and Respondent got married on 15.04.2012 and till date the said marital tie exists. It is the contention of Respondent/wife that she is not maintained by the Petitioner. She also claims that the Petitioner is having agricultural lands and is earning out of the same. It is also contended that he is working as a contractor too. Thus, it was the case of the Respondent

before the Trial Court that the Petitioner was earning Rs.80,00,000/- per annum.

3. Petitioner appeared before the Trial Court and filed his say at Exhibit 14 denying the contentions raised by Respondent. It is his contention that Respondent, without any reason, has deserted the Petitioner and as such she is not entitled for any maintenance. It is also claimed by Petitioner before the Trial Court that Respondent is working in a school and also earning income out of conducting private tuition. It is stated by Petitioner in reply that he is having 4 acres of land at Barshi and is having a tractor out of which he does not earn any income.

4. Learned Trial Court passed order directing payment of Rs. 7,000/- towards interim maintenance to the Respondent. This order is assailed in this Petition.

5. Learned counsel for Petitioner submits that the Trial Court has not rightly considered the pleadings of the parties and evidence on record. It is his submission that since without any reason Respondent has started residing separately with her parents,

she is not entitled for maintenance. He further submits that the Trial Court has committed error in considering three lands to be lands owned by the Petitioner when these properties are joint family properties.

6. There is no dispute about the fact that the parties are Hindus. This, provisions of Hindu Adoption and Maintenance Act would apply to them. Section 18 of the said Act mandates that it is the obligation of the husband to maintain wife except in case of exceptions provided thereto. This Petition does not fall within the exceptions. Hence, it is the legal obligation of the Petitioner to maintain his wife.

7. As far as determination of amount of interim maintenance is concerned, learned Trial Court has taken into consideration documentary evidence placed on record which is in the form of 8A extracts of the lands situated at three different villages. It is thus clear that the Petitioner is having agricultural lands in three villages. He also admits to have a tractor for cultivation purpose. If it is so, the order of interim maintenance of Rs. 7,000/- can never be

said to be excessive. There is no merit in the Petition. Hence, the Petition stands dismissed.

(R. M. JOSHI)
Judge

dyb