



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4899 OF 2024

Dr. Vikas Vishwanath Lawande,
Age: 34 yrs. Occ. Medical Practitioner,
R/o Karegaon, Tq. Shirampur
Dist. Ahmednagar.

.....PETITIONER
(Ori. Respondent)

VERSUS

Mrs. Ashwini Vikas Lawande,
Age: 28 yrs. Occ. Nil,
R/o Yeole Akhada, Tq. Rahuri,
Dist. Ahmednagar.

.....RESPONDENT
(Ori. Applicant)

Mr. P. B. Shirsath, Advocate for the Petitioner
Mr. D. R. Markad h/f Mr. V. S. Badakh, Advocate for
Respondent

CORAM : ROHIT W. JOSHI, J.

DATED : 23RD JULY, 2025

ORAL JUDGMENT :-

. The petitioner/husband is aggrieved by order dated 19.12.2022, passed by the learned Civil Judge, Senior Division, Shirampur on application at Exhibit 17, filed by the respondent/wife in Hindu Marriage Petition No.50 of 2022, thereby awarding interim maintenance of Rs.10,000/- (Rs.Ten

thousand only) per month under Section 20 of the Hindu Marriage Act, 1954.

2. Hindu Marriage Petition 50 of 2022 is filed by the petitioner/husband against the respondent/wife. It is undisputed that vide order dated 08.08.2022, passed by the learned Judicial Magistrate First Class, Court No.1, Rahuri in Miscellaneous Criminal Application No.229 of 2021, filed by the wife invoking provisions of Domestic Violence Act, monthly maintenance of Rs.9,000/- (Rs. Nine thousand only) is awarded.

3. The application for maintenance under Section 22 is filed by the wife on 08.08.2022, i.e. the date on which the interim maintenance order in domestic violence case was passed. The time lag between the two orders is around four months. Whereas, it cannot be disputed that despite the order of maintenance, being passed under a particular proceeding under DV Act, subsequent application for maintenance can be filed by the wife under the Hindu Marriage Act, 1955. It is equally correct that the learned Court dealing with subsequent application for maintenance should take into consideration the maintenance awarded in the earlier proceeding.

4. Perusal of the order passed by the learned Civil Judge indicates that although, the order passed in domestic violence proceeding is noticed, the learned Judge has not directed as to whether the amount of maintenance awarded by him will be inclusive of the maintenance awarded in domestic violence proceeding or over and above, the said amount.

5. Likewise, the petitioner/husband has filed affidavit disclosing the income stating that his annual income is Rs.3,15,874/- in the year 2021. Perusal of order passed in domestic violence proceedings will demonstrate that the learned Magistrate has accepted the said figure as annual income of the husband. Going by the said income, the monthly income comes to Rs.26,000/- approximately. The learned Magistrate has already awarded 1/3 share of the amount of monthly income towards maintenance to the wife. The order passed by the learned Civil Judge does not indicate that the learned Civil Court has disbelieved the affidavit of annual income filed by the husband.

6. As stated above, one Judicial Authority has *prima facie* accepted the said affidavit indicating annual income as Rs.3,15,874/-. It is undisputed that the respondent/wife is

duly qualified and holds the qualification in MBA(Finance). Although, it is her contention that she is not doing any work, the application filed by the wife also does not disclose any reason for not working.

7. Having regard to totality of circumstances, particularly order dated 08.08.2022, which is passed barely four months before passing of the impugned order in which more than 1/3 amount of monthly income of the husband is awarded towards maintenance, I am of the considered opinion that the impugned order awarding interim maintenance is unsustainable and is liable to be quashed. In the result, the Writ Petition is allowed. Order dated 19.12.2022 passed on application at Exhibit 17 in Hindu Marriage Petition No 50 of 2022 passed by the learned Civil Judge, Senior Division, Shrirampur is quashed and set aside.

8. Writ Petition is disposed of.

9. Civil Application, if any, stands disposed of.

(ROHIT W. JOSHI, J.)