



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

WRIT PETITION NO. 13665 OF 2023

MAHENDRA DATTATRAY NAIKODI

VERSUS

VAISHNAVI ALIAS ARUNA MAHENDRA NAIKODI

...

Mr. Rajendra Sudam Kasar, Advocate for the Petitioner.

Ms. Akshara Sharad Madake, Advocate for Respondent.

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : 30th JULY, 2025.

P.C.:-

1. The present Writ Petition takes exception to order dated 12.09.2023 passed by Civil Judge Senior Division, Ahmednagar below Exhibit-13 in Hindu Marriage Petition No.507/2021, by which petitioner is ordered to pay interim maintenance amount of Rs.3000/- per month to each of respondent from the date of application till disposal of main petition.

2. Mr. Kasar, learned Advocate appearing for petitioner submits that petitioner is engaged in labour work having no other source of income. Therefore, it is difficult for him to pay amount of Rs.3000/- to each wife and two children. He would submit that observations of learned Civil Judge Senior Division that petitioner is independently holding 94R land and having his own income are erroneous.

3. Per contra, Ms. Madake, learned Advocate appearing for respondent supports impugned order.

4. Perusal of impugned order shows that petitioner has filed proceeding seeking dissolution of marriage under Section 13(1)(ia) (ib) of Hindu Marriage Act. The respondent-wife, who is taking care of two children filed application below Exhibit-13 under Section 24 of Hindu Marriage Act for grant of interim maintenance. Undisputedly, respondent is residing alongwith her parents and she is also maintaining two children. There is no evidence to show that respondent has any source of income. Admittedly, petitioner has not made any arrangement for maintenance of wife and children. Although he submitted that respondent wife has income from Tailoring business, nothing is placed on record. The learned Trial Judge, therefore, observed that petitioner holds agriculture land at village Nighoj, Taluka Parner independently in his name. It is also observed that petitioner is maintaining car.

5. In these circumstances, interim maintenance of Rs.3000/- per month to each respondent cannot be treated as excessive and exorbitant. As such, no case is made out to cause interference in Writ jurisdiction of this Court. Hence, Writ Petition stands rejected.

(S. G. CHAPALGAONKAR)
JUDGE