



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.888 OF 2025

Ajay Tryambak Barde

VERSUS

Vaishali Alias Sapana Ajay Barde

Advocate for Petitioner : Mr. Y.H. Jadhav h/f G.A. Nagori

CORAM : S. G. CHAPALGAONKAR, J.

Dated : June 09, 2025

PER COURT :-

1. The petitioner-husband impugns the order dated 14.10.2024 passed by learned Civil Judge Senior Division, Bhusawal, District Jalgaon below Exhibit-6 in Hindu Marriage Petition No.310 of 2022, by which petitioner has been directed to pay maintenance of Rs.3,000/- p.m. to respondent-wife under section 24 of the Hindu Marriage Act.

2. Marriage between petitioner and respondent was solemnized on 30.4.2017 which is still in subsistence. Couple is blessed with son namely Shivansh. Admittedly, wife is living separately from husband alongwith minor son Shivansh. Respondent-wife filed Hindu Marriage Petition No.310 of 2022 seeking a decree of divorce in terms of section 13 (1-a) (1-b) of Hindu Marriage Act. She alleges that she has been driven out

of home on 13.11.2018 and since then, husband failed to provide maintenance to her. Further, she has been mentally and physically harassed for a period for more than two years and compelled to reside separately.

3. In proceeding of divorce, respondent-wife has filed an application below Exhibit-6 under section 24 of the Hindu Marriage Act for grant of interim maintenance of Rs.10,000/- for herself and Rs.5,000/- for her son. Application was contested by petitioner by filing his say at Exhibit-15 contending that respondent/wife is already receiving maintenance of Rs.2,500/- in pursuance to the previous maintenance proceeding instituted by her. Further petitioner is a handicapped person having no source of income.

4. Learned 2nd Civil Judge S.D,. Bhusawal after considering rival contentions partly allowed the application Exhibit-6 and directed petitioner to pay Rs.3,000/- p.m. to respondent wife by way of interim maintenance from the date of filing the application. The petitioner is further directed to pay Rs.5,000/- towards litigation expenses.

5. Learned advocate appearing for petitioner submits that petitioner is handicapped person. Petitioner is working in a Typing Institute and getting the salary of Rs.3,000/- p.m. Further, respondent is already receiving maintenance of Rs.2,500/- p.m. Further, son is independently granted maintenance of Rs.2,000/- u/s 125 of Cr.P.C.

6. Learned Civil Judge Senior Division, Bhusawal observed that respondent wife has no source of income. Petitioner is under obligation to maintain Respondent/wife. He failed to make arrangement for her maintenance and livelihood. Trial Court has after considering that respondent is getting interim maintenance of Rs.500/- p.m. in HMP no.177 of 2019, whereas son is getting maintenance of Rs.2,000/- p.m. granted interim maintenance of Rs.3,000/- p.m. to respondent u/s 24 of the Hindu Marriage Act. Apparently, maintenance granted under impugned order is merely @ Rs.100/- per day, which is paltry-sum considering rising price index. The Trial Court rightly observed that petitioner has sufficient means to provide maintenance to wife but failed to comply his obligation. In that view of the matter, this Court finds no reason to interfere in impugned order in exercise of

writ jurisdiction under Article 227 of the Constitution of India.

In result, writ petition stands **rejected**.

(S. G. CHAPALGAONKAR, J.)

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