

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 7900 OF 2024
IN
FIRST APPEAL NO. 1117 OF 2006**

Jaysilee Vantian Sandiagu ... Applicant
Versus
Vantian Sandiagu ... Respondent

**WITH
FIRST APPEAL NO. 1117 OF 2006**

Mr. M. A. Adenwala for Applicant in IA/7900/2024 and for Respondents in FA/1117/2006.

Dr. Uday Prakash Warunjikar for Respondent in IA/7900/2024 and for Appellant in FA/1117/2006.

**CORAM: MANISH PITALE, J.
DATE : 17th JUNE 2025**

P.C. :

- . Heard learned counsel for the parties.
2. By this application, the applicant (original respondent No.1-wife) is seeking a direction to the respondent (original appellant-husband) to pay an amount of Rs.9,000/- towards maintenance during the pendency of the first appeal filed by the appellant-husband.
3. The first appeal has remained pending in this Court since the year 2006, which was admitted in the year 2007. By the impugned order in the appeal, the divorce petition filed by the appellant-husband was dismissed.

4. It is the case of the applicant-wife that the appellant-husband failed to abide by even orders passed in her favour for meager amounts to be paid towards maintenance during the pendency of the proceedings before the Court below. In a proceeding initiated under Section 125 of the Code of Criminal Procedure, 1973, a direction was issued for payment of monthly maintenance of Rs.1,000/- per month in favour of the applicant-wife. But, a revision was filed, where stay was granted, subject to deposit of Rs.600/- by way of cost. Subsequently, stay was also vacated and yet, the appellant-husband failed to pay any amount to the applicant-wife.

5. The applicant-wife in the application states that due to these circumstances she is forced to do manual work and she is able to earn only about Rs.6,000/- per month and considering that she would require at least Rs.15,000/- per month for survival, the prayer made in the present application may be granted.

6. In the reply affidavit, the appellant-husband has claimed that the applicant-wife is earning sufficient amount of money. But, there is no material placed on record in support thereof. It is crucial that in the reply affidavit it is specifically admitted that the appellant-husband is getting an amount of Rs.25,750/- per month towards provisional pension. Although, the applicant-wife has alleged that there are certain rooms, which the appellant-husband has given on rent, the said fact is denied by him.

7. In that light, considering the material on record, this Court

is of the opinion that while the appeal can be directed to be heard at the earliest, the present application also deserves consideration in the light of the condition to which the applicant-wife has been reduced over a period of time. This Court is of the opinion that in the light of the admitted position that the appellant-husband is earning provisional pension of Rs.25,750/-, roughly 1/3rd of the said amount can certainly be directed to be paid to the applicant-wife to ensure her survival. It is in the interest of justice that an appropriate direction is issued in the present application, so as to ensure that the applicant-wife is at least able to survive during the pendency of the appeal.

8. In view of the above, the application is partly allowed and the appellant-husband is directed to pay an amount of Rs.8,000/- per month from May 2024 onwards, during the pendency of the first appeal.

9. From July 2025 onwards, the aforesaid amount shall be paid by the appellant-husband to the applicant-wife on or before 5th day of every month. The arrears from May 2024 to June 2025 shall be paid within four months from today.

10. The application is disposed of in above terms.

11. The first appeal shall be listed for final hearing on 11th August 2025 at 4:00 p.m.

MANISH PITALE, J.