



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO.801 OF 2024

VAISHALI BHARAT NARNAWARE

VS

BHARAT S/O GOVINDRAO NARNAWARE

AND

CRIMINAL WRIT PETITION NO.397 OF 2023

BHARAT S/O. GOVINDRAO NARNAWARE

VS

VAISHALI BHARAT NARNAWARE (D/O BHOJRAJ SHERKAR)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Ms Ketki Jaltare (Vaidya), Advocate for the wife
Mr. O.R. Deshpande, Advocate for the husband

CORAM : ANIL S. KILOR, J.

DATE : 26th FEBRUARY, 2025

1. Heard.
2. These are two writ petitions filed by the husband and wife against each other. The wife filed Writ Petition No. 801 of 2024 for enhancement of interim maintenance, whereas, the husband filed Writ Petition No. 397 of 2023, seeking modification as regards the date i.e. 12.04.2017 from which the interim maintenance is directed to be paid by the Family Court No.3, Nagpur.
3. It is the case of the wife that the gross income of the husband is more than Rs.2,00,000/- and he is receiving Rs.1,50,000/- and odd amount in his hand and despite the same, the learned Family Court granted meager amount of Rs.15,000/- per month as interim maintenance.
4. It is pointed out that while determining the amount

of Rs.15,000/- per month, the Court did not consider the fact that his father was in Indian Railway and after his death, his mother has been receiving pension. Thus, the mother is not dependent upon him.

5. It is further pointed out that as far as sisters of the petitioner are concerned, one sister is an employee of the Central Government. It is therefore, submitted that even if remaining two sisters are considered to be dependent, the amount granted as interim maintenance to the petitioner, is a meager amount. She therefore, submits that her prayer for enhancing the interim maintenance to the tune of Rs.25,000/- per month may be granted.

6. On the other hand, the learned counsel for the husband, submits that the application for interim maintenance was not served upon him for four years and therefore, he cannot be asked to pay maintenance for that four years i.e. from the date of application i.e. from 12.04.2017. He has shown his willingness to pay Rs.15,000/- from the date of order i.e. 24.11.2022.

7. He further opposed the prayer of the wife for enhancement of interim maintenance on the ground that though the mother is receiving pension, since the pension amount is not sufficient, he has to incur additional expenses for his mother.

8. In the above referred backdrop, I have gone through the record and the impugned order.

9. There is no dispute that the husband is receiving Rs.1,50,000/- and odd amount per month in his hand after statutory deduction. As far as the amount of pension, the mother is receiving or her expenditures, nothing is brought on record to show that the expenditures are more than the amount of pension. In absence of such evidence, the contention of the husband that his mother is dependent upon him, cannot be accepted.

10. In the circumstances, even if considering that two sisters are dependent upon the husband, the amount he receives in his hand, after statutory deduction shows the amount claimed by the wife Rs.25,000/-, is reasonable.

11. It is further evident that the reasons recorded by the learned Family Court while denying Rs.25,000/- towards interim maintenance and granting Rs.15,000/- per month, are erroneous in view of the above observations.

12. As regards the date from which the wife is entitled to receive the amount is concerned, I keep the said issue open. This is so, because from the record, it is evident that for four years the application was not served upon the husband.

13. As far as entitlement of the wife to receive the interim maintenance from the date of the application, as observed herein above, is kept open and the Family Court shall decide the said issue while deciding the matter finally, for avoiding multiplicity of proceedings. The parties have

agreed for this.

14. As far as the arrears are concerned, the husband is granted time of ten months for payment of the same, after adjustment of the amount already paid. Accordingly, I pass the following order:

- (i) Both the writ petitions are **partly allowed**.
- (ii) The husband is directed to pay Rs.25,000/- per month towards enhanced interim maintenance, from the date of order i.e. 24.11.2022.
- (iii) The issue as regards the date from which the wife is entitled to receive interim maintenance, is kept open and to be decided at the time of final disposal of the main petition.
- (iv) The husband is granted time of ten months for payment of arrears, after adjustment of the amount already paid.

Accordingly, the writ petitions are disposed of.

(ANIL S. KILOR, J.)