

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

WRIT PETITION NO. 3853/2024

(SUSHANT SUNILCHANDRA DAS **VERSUS** SARASWATI SUSHANT DAS)

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

Court's or Judge's order

Shri Parth Ranade, counsel for the petitioner.

Shri Y.P. Bage, Advocate h/f Shri A.C. Jaltare, counsel for the respondent.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : SEPTEMBER 08, 2025

Heard the learned counsel for the petitioner as well as the respondent.

2. The petitioner-husband has challenged the order dated 15.03.2024 passed by the trial Court on an application under Section 24 of the Hindu Marriage Act, 1955 thereby granting interim maintenance of Rs.15,000/- per month by way of maintenance *pendente lite*. It is pointed out that the Court of Judicial Magistrate First Class, Court No.5, Chandrapur has earlier passed an order dated 09.12.2021 in the proceedings under Section 23 of the Protection of Women from Domestic Violence Act, 2005 (for short, 'the Act of 2005') directing the petitioner-husband to pay an amount of Rs.15,000/- per month, which order was challenged before the Appellate Court and finally the petitioner-husband was directed to pay an amount of Rs.10,000/- per month.

3. The learned counsel for the petitioner submits that while passing the impugned order, the Family Court has not considered the grant of maintenance of Rs.10,000/- per month to the respondent-wife in the proceedings under Section 23 of the Act of 2005 which was necessary as per the judgment in the matter of *Rajnish Versus Neha* [AIR 2021 SC 569].

4. The learned counsel for the respondent-wife submits that for the past one year, the petitioner-husband is in arrears of the amount of Rs.10,000/- per month granted in the Domestic Violence case, about which learned counsel for the petitioner wants to take instructions.

5. Although the challenge in the instant writ petition is with respect to the order passed in the Hindu Marriage Petition, since the basic contention of the petitioner-husband is based on the non-consideration of the order passed in the proceedings under the Act of 2005 and since it is pointed out that the petitioner-husband is not paying maintenance at the rate of Rs.10,000/- per month granted in the proceedings under the Act of 2005 and also Rs.15,000/- per month granted in the divorce petition, to show his *bonafides* the petitioner-husband is directed to deposit the amount of arrears of maintenance as per the order passed in the Domestic Violence case at the rate of Rs.10,000/- per month till today in this Court within a period of two weeks from today.

6. List the writ petition for further consideration on 24.09.2025.

(PRAFULLA S. KHUBALKAR, J.)

APTE