



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

WRIT PETITION NO. 3853 OF 2024

Sushant Sunilchandra Das, Age 49 years, Occ:Service,
R/o Mahadole Layout, behind Sawari Bungalow,
Gadgebaba Nagar, Chandrapur.

PETITIONER

VERSUS

Saraswati Sushant Das, Age 45 years, Occ: Business,
R/o Mai Apartment, Flat no.2, Behind Carmel
Academy School, Tukum, Chandrapur-442401.

RESPONDENT

Shri H.V. Thakur, counsel for the petitioner.
Shri Y.P. Bage, Advocate with Shri A.C. Jaltare, counsel for the respondent.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : DECEMBER 17, 2025

ORAL JUDGMENT

RULE. Rule is made returnable forthwith and heard finally with consent of the learned counsel for the parties.

2. By this petition, the petitioner-Husband has challenged the order passed by the trial Court granting interim maintenance of Rs.15000/- per month to the wife along with litigation expenses of Rs.12,000/-.

3. The controversy arises from Hindu Marriage Petition no.391 of 2021 filed by the husband against wife under Section 13(1)(A) of the Hindu Marriage Act, 1955 (for short, 'the Act of 1955'). The wife filed application under Section 24 of the Act of 1955 seeking interim maintenance of Rs.50000/- for herself and her two children and litigation expenses of Rs.35000/-. The application was resisted by the husband which came to be decided by the Court by granting maintenance of Rs.15000/- per month and litigation expenses of Rs.12000/-.

4. There is no dispute that the wife is living separately alongwith her two children and the husband is working as a Civil Engineer. The wife has alleged that income of husband is to the extent of Rs.2,00,000/- per month on the basis of his salary and other businesses. The trial Court has given due consideration to the fact of qualification of the husband and his employment. There is no dispute that in the proceedings of domestic violence case between the parties, an amount of Rs.10000/- is ordered to be paid by granting Rs.5000/- for the wife and Rs.2500/- for each of the two children. However, considering the fact that the two children are aged about 19 and 16 years, the claim for maintenance as raised by the wife is absolutely genuine.

5. The husband has placed on record salary certificate allegedly issued by the Company viz. Gayatri Construction and Solutions showing his salary as Rs.25000/- for the month of February-2024. The contentions of the wife in this regard that the husband is in fact the owner and running the said Company also needs due consideration. The wife has contended that the husband is running business in the name of Gayatri Construction and Solutions and the salary certificate is prepared only to somehow show that he is earning meagre amount. While considering the application for grant of interim maintenance at this stage, nothing can be conclusively inferred that the income of the husband is only Rs.25000/- per month. Considering the qualification and experience of the husband as reflected in the contentions of both the parties, there appears no perversity in the order passed by the trial

Court granting maintenance of Rs.15000/- per month in favour of the wife.

6. Although the learned counsel for the petitioner-Husband submitted that the impugned order is passed without considering the amount of maintenance granted to the wife in the Domestic Violence proceedings, it has to be seen that the amount of Rs.5000/- granted to the wife in domestic violence case is absolutely inadequate. The trial Court has given due consideration to the regular needs of the wife and the grown up children and has rightly directed the husband to pay an amount of Rs.15000/- per month as interim maintenance. I find no perversity with the reasoning of the trial Court.

7. Having regard to the above mentioned factual and legal aspects, no indulgence is warranted with the impugned order under Article 227 of the Constitution of India. The writ petition is dismissed with no order as to costs. Rule stands discharged.

(PRAFULLA S. KHUBALKAR, J.)