



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

WRIT PETITION NO. 2578 OF 2025

1. Priti Nitin Asode, Age 39 years, Occ: Nil.
2. Kartik Nitin Asode, Aged 1 Year, Occ: Nil.
Through Natural Guardian, Petitioner no.1.

Both R/o C/o Nilima P. Khadatkhar, Savitribai Fule
Nagar, Sant Kabir Marg, Near Vihar, Manewada Road,
Nagpur – 440 027.

PETITIONERS

VERSUS

Nitin Namdeorao Asode, Aged 42 years, Occ: Service,
R/o Plot No.38, Shramjivi Nagar, Near New Kailash
Nagar, Nagpur – 440 027.

RESPONDENT

Shri V.M. Lute, counsel for the petitioners.
Shri M.I. Mourya, counsel for the respondent.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : DECEMBER 22, 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-Wife has challenged the order dated 20.02.2025 passed by the Family Court, Nagpur granting interim maintenance of Rs.10,000/- for the wife and their new born child and the petitioner has sought for a direction to grant enhanced amount of interim maintenance of Rs.70,000/- per month.

3. The controversy arises out of an order passed by the Family Court on an application under Section 24 of the Hindu Marriage Act, 1955 in the petition for divorce filed by the husband. By her application dated 02.05.2024, the wife had prayed for grant of interim maintenance of

Rs.70,000/- per month for herself and her new born child. The application was resisted by the husband and the Family Court granted interim maintenance of Rs.10,000/- per month till final disposal of the main petition without granting any litigation expenses. This order is challenged by the wife by way of instant petition.

4. The primary contention canvassed on behalf of the petitioner-Wife is that the husband is employed as X-ray Technician in a hospital at the Cantonment Board General Hospital, Kamptee where he is getting handsome salary. It is also submitted that the husband is earning an amount of approximately Rs.50,000/- per month by way of rent from his four properties, whereas the wife is unable to maintain herself and is required to be dependent on the amount of maintenance for maintaining herself and her new born child. It is therefore submitted that the order passed by the Family Court granting interim maintenance of only Rs.10,000/- needs to be modified by granting enhanced amount of maintenance of about Rs.70,000/- per month.

5. As against this, the learned counsel for respondent-Husband submitted that the wife is getting sufficient amount and there is no need for granting any enhanced maintenance. It is submitted that the husband is also maintaining their elder son and the petition for enhancement of maintenance is filed by the wife only to harass him.

6. In the backdrop of these rival contentions, while considering the contentions of the parties, it has to be seen that the wife has claimed for

enhanced amount of compensation by alleging that she has to maintain herself and her new born child. The husband has not disputed that he is working as X-ray Technician in the hospital of Cantonment Board. The salary slip of the husband for the month of December-2024 is placed on record which shows his salary as Rs.62,771/-. The contentions of the wife that the husband has got two increments after December-2024 also needs to be taken into consideration, since the husband has not filed on record the latest salary certificate. Further contention of the wife that the husband is having three house properties and one flat which are given on rent thereby fetching approximately Rs.50,000/- per month also needs due consideration.

7. As such, although the exact income of the husband is not known at this stage, however, undisputedly his salary is more than Rs.70,000/- per month with additional amount of Rs.34,000/- as perquisites, as stated in the affidavit of Assets and Liabilities alongwith additional income by way of rent from the house properties. There is no dispute that the wife is residing with their new born child and is in need of substantial amount for maintaining the child. The amount of Rs.10,000/- granted by the Family Court is not at all sufficient for maintenance of the wife and her new born child.

8. Although the parties have made several allegations against each other relating to cruel treatment in their matrimonial life, the same will be subject matter of adjudication in the divorce proceedings initiated by the husband. In the instant case, the issue is with respect to grant of amount

of interim maintenance to the wife and the new born child. Undisputedly, the wife is living separately with the newborn child and requires substantial amount. Having regard to the fact that the husband is earning an amount of more than Rs.70,000/- per month by salary and some additional amount by way of perquisites and rent from the house properties, the amount of Rs.10,000/- granted by way of interim maintenance is too meagre.

9. Pertinent to note, there is nothing on record to indicate that the wife is getting maintenance in any other proceedings. Having given anxious consideration to the income earned by the husband and the requirements of the wife to maintain herself and the newborn child, it will be appropriate to direct the husband to pay interim maintenance of Rs.30,000/- per month for the wife and the newborn child.

10. Accordingly, the writ petition is allowed. The order dated 20.02.2025 passed by the Family Court, Nagpur on the application (Exhibit-9) under Section 24 of the Hindu Marriage Act, 1955 is modified and the husband is directed to pay an amount of Rs.30,000/- per month to the wife towards maintenance *pendente lite* from the date of the said application till final disposal of the main petition.

11. Rule is made absolute in above terms with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)

