IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/FIRST APPEAL NO. 389 of 2025

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BHARTIBEN AJAYBHAI PATANI D/O. VITTHAL BHAI KARSHANLAL BHAMRAYAVALA

Versus

AJAY KUMAR NATVARLAL PATANI

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Appearance:
MS DIPMALA S DESAI(6596) for the Appellant(s) No. 1
MS MOHINI J BHAVSAR(3071) for the Defendant(s) No. 1

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CORAM: **HONOURABLE MR. JUSTICE ILESH J. VORA**
and
HONOURABLE MR. JUSTICE R. T. VACHHANI

Date : 16/06/2026

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE ILESH J. VORA)

1. This appeal, under Section 19 of the Family Courts Act, 1984, by the wife, is against the order of interim maintenance granted by the Family Court, Ahmedabad. The appellant-wife was joined as defendant in the Family Suit No.1228 of 2017, filed by the husband-respondent for dissolution of the marriage on the ground of desertion and cruelty. The appellant-wife had claimed interim maintenance *pendente lite* under Section 24 of the Hindu Marriage Act, 1955. The Family Court while partly allowing the application, directed the respondent-husband to pay Rs.4,000/- and Rs.2,000/- per month to the wife-appellant as well as to the minor son from the date of application till the final hearing and disposal of the divorce suit. The divorce suit being Suit No.1228 of 2017 after hearing the parties, came to be allowed on

08.05.2025 and marriage between the parties was ordered to be dissolved with effect from the date of decree. The Family Court while dissolving the marriage, directed the husband to pay Rs.24 lakhs to the appellant-wife towards permanent alimony under Section 25 of Hindu Marriage Act. The amount of Rs.24 lakhs as well as the interim maintenance amount till date of decree has already been paid to the appellant-wife and there is no dispute on this aspect.

2. In the aforesaid facts and circumstances, the appellant-wife has preferred this appeal, on the ground that, the amount of interim maintenance *pendente lite,* passed under Section 24 is inadequate and same is require to be enhanced.

3. Ms. Dipmala Desai, learned counsel appearing for the appellant-wife has submitted that, the interim maintenance amount till the date of decree can be enhanced and having regard to the capacity of the husband and the status of both the parties, the amount may be enhanced as prayed for as the Family Court did not have consider the settled parameters for fixing maintenance.

4. On the other hand, learned counsel Ms. Mohini J. Bhavsar vehemently the opposed the appeal and contended that, once the suit proceedings is over and permanent alimony has been awarded, the question of enhancement of interim maintenance does not arise and therefore, it is prayed that, the appeal itself is not maintainable in the eye of law and the same deserves to be dismissed.

5. Having heard the learned counsel appearing for the respective

parties and on consideration of the legal provisions, the issue falls for our consideration as to whether in the facts of the present case, the present appeal for enhancement of the interim maintenance amount, is maintainable or not.

6. Before adverting to the issue, we may take note of legal statutory framework on Section 24 of Hindu Marriage Act, 1955. The Section empowers the matrimonial court to grant maintenance *pendente lite* and litigation expenses to either spouse during the pendency of the proceedings, whereas, Section 25 has empowered the Family Courts for exercising jurisdiction, at the time of passing any decree, direct the party to pay the permanent alimony.

7. In the facts of the present case, the Family Court while allowing the suit for divorce filed by the respondent-husband, passed an order under Section 25, and directed the husband to pay Rs.24 lakhs towards permanent alimony and maintenance. The divorce decree came to be passed on 08.05.2025. The present appeal for enhancement of the interim maintenance is filed on 27.01.2025. Thus, pending the proceedings, the order has already been challenged for seeking enhancement of the maintenance amount. However, the fact remains that, pending this appeal, the divorce suit was decreed and marriage was ordered to be dissolved. The amount of Rs.24 lakhs as permanent alimony has not been challenged by the appellant-wife. In such circumstances, we do not find any substance to interfere with the order of interim maintenance as no ground exists to enhance the amount till the date of decree.

8. In such circumstances, the appeal is devoid of any merits and accordingly, it stands dismissed. Notice discharged.

(ILESH J. VORA,J)

(R. T. VACHHANI, J)

TAUSIF SAIYED

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: TAUSIFAHMED SAIYED(HC01401), PRIVATE SECRETARY, at High Court of Gujarat on 18/06/2026 15:14:38