



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 WRIT PETITION NO. 12586 OF 2024

SHASHIKANT DIGMBAR PAWAR

VERSUS

SANDHYA SHASHIKANT PAWAR

...

Mr. Vivek V. Tarde, Advocate for the Petitioner

Mr. Vijay R. Autade, Advocate for Respondent

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CORAM : AJIT B. KADETHANKAR, J.

DATE : 12.03.2026

PER COURT :-

. Feeling aggrieved by the order dated 04.09.2024 passed by the learned Civil Judge, Senior Division, Shrirampur, District Ahmednagar, in Hindu Marriage Petition No.156 of 2023, the petitioner–husband has approached this Court.

2. The main proceedings, i.e., Hindu Marriage Petition No.156 of 2023, have been instituted by the petitioner–husband seeking a decree of divorce against the respondent–wife. During the pendency of the said petition, the respondent–wife preferred an application under Section 24 of the Hindu Marriage Act, 1955 seeking grant of maintenance *pendente lite*. By the said application, the respondent prayed for interim maintenance of Rs.10,000/- per month to be paid by the petitioner.

3. After hearing both parties, the learned Trial Court partly allowed the said application and directed the petitioner to pay interim maintenance of Rs.5,000/- per month to the respondent–wife with effect from 06.11.2023 till

the disposal of the main petition. Being aggrieved by the said order, the petitioner–husband has preferred the present petition.

4. It appears from the record that Regular Civil Suit No.34 of 2021 was filed by the respondent–wife against the petitioner for grant of maintenance under Section 22 of the Hindu Adoptions and Maintenance Act, 1956. It is a matter of record that on 02.12.2022, a compromise was arrived at between the parties, wherein the petitioner agreed to pay Rs.7,000/- per month towards maintenance to the respondent–wife and their daughter. However, it appears that the petitioner did not adhere to the compromise arrived at between the parties in Regular Civil Suit No.34 of 2021 and consequently fell in arrears to the extent of Rs.90,000/-. Therefore, the petitioner’s salary has been attached towards recovery of the said arrears.

5. Mr. Vivek V. Tarde, learned counsel for the petitioner–husband, submits that the petitioner’s salary has already been attached for recovery of the arrears and therefore the grant of interim maintenance of Rs.5,000/- per month to the respondent–wife would cause undue hardship to the petitioner. He further submits that the petitioner is also required to maintain his aged parents and therefore the amount of interim maintenance awarded by the Trial Court is not only exorbitant but also disproportionate. On these grounds, he prays that the impugned order be quashed and set aside.

6. On the other hand, Mr. Vijay R. Autade, learned counsel for the respondent–wife, supports the impugned order passed by the learned Trial Court. He submits that the conduct of the petitioner is required to be taken into consideration. According to him, the petitioner is an employee in the District Court at Ahmednagar and has suppressed his true income before the Court. He invites the attention of this Court to the observations made by the

learned Trial Court in paragraph No.7 of the impugned order. He further submits that the attachment of the petitioner's salary is only for recovery of the arrears arising out of the compromise decree in Regular Civil Suit No.34 of 2021 and that such attachment cannot be treated as a permanent circumstance to deny interim maintenance. Hence, he submits that the learned Trial Court was fully justified in granting interim maintenance and prays for dismissal of the petition.

7. I have heard the learned counsel for the parties at length. The marital relationship between the parties is not disputed and it is an admitted position that their marital tie still subsists in the eyes of law. Though the relationship between the parties may be strained, the marital bond continues until it is dissolved by due process of law.

8. I have also gone through the observations recorded by the learned Trial Court in paragraph No.7 of the impugned order, wherein it is observed that the petitioner failed to disclose his exact income and has not approached the Court with *bona fide* disclosure of his financial capacity. It is also a matter of fact that the compromise decree passed in Regular Civil Suit No.34 of 2021 has not been challenged by the petitioner and therefore remains binding upon him.

9. The mere submission of the petitioner that he is required to maintain his parents cannot, by itself, be a sufficient ground to cancel or reduce the amount of interim maintenance granted by the learned Trial Court. Considering the facts and circumstances of the case and the limited scope of interference in such interlocutory proceedings, I do not find any infirmity, illegality, or perversity in the impugned order passed by the learned Trial Court.

10. No case is made out by the petitioner warranting interference with the impugned order.

11. In view of the above discussion, the petition lacks merit and is liable to be dismissed.

ORDER

a. The petition stands dismissed.

[AJIT B. KADETHANKAR, J.]

PRW