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

WRIT PETITION NO. 1873 OF 2025

Rakesh Shankar Modempelli, Age-37 years, Occ-Service,
R/o WCL Shantinagar Colony, Qua No.S.20, Majari,
Tah. Bhadrawati, Distt. Chandrapur. **PETITIONER**

VERSUS

Roshani Rakesh Modempelli, Aged 34 years,
Occ:Household, R/o Shalikram Nagar, Near Club Ghugus,
Tah. & Distt. Chandrapur. **RESPONDENT**

Shri Varun Kataria, counsel for the petitioner.
Shri M.N. Ali, counsel for the respondent.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : JANUARY 19, 2026

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 dated 09.01.2025 passed by the trial Court directing grant of interim maintenance of Rs.10,000/- per month to be paid to the respondent-Wife.

3. The controversy arises out of the proceedings filed by the husband under Section 27(b) of the Indian Divorce Act, 1869 (for short, 'the Act of 1869') for divorce against the wife. In the said divorce petition, the wife had appeared and filed an application under Section 36 of the Act of 1869 for maintenance *pendente lite* and claimed an amount of Rs.25,000/- per month. The application was resisted by the husband and by order dated 09.01.2025 the trial Court granted interim maintenance of Rs.10,000/- per month to be paid to the wife from the date of the order.

4. The learned counsel for the petitioner-Husband vehemently submitted that the trial Court has failed to consider the grant of interim maintenance to the wife in the domestic violence proceedings in which an amount of Rs.4,000/- was directed to be paid by way of interim maintenance. He submitted that the trial Court has not considered this amount while passing the impugned order and hence, the impugned order is unsustainable. He also submitted that the trial Court has considered the salary slip of the husband for the month of June-2024 in which he salary is shown to be Rs.54,521/- after deductions. However, this was the salary slip including certain increments and therefore the said salary slip ought not have been made the basis to arrive at a conclusion about the income of the husband. He thus submitted that the grant of amount of Rs.10,000/- per month to the wife is exorbitant and the same is unsustainable in law.

5. While opposing the petition, the learned counsel for the respondent-Wife submitted that in the application under Section 36(1) of the Act of 1869 seeking interim maintenance, the wife has categorically mentioned the fact about the monthly maintenance of Rs.4,000/- per month in the domestic violence proceedings and as such, there is no suppression of fact. It is further submitted that as on today, the husband's salary is more than Rs.80,000/- per month and as such the direction to pay the interim maintenance at the rate of Rs.10,000/- per month is not at all arbitrary.

6. While considering the controversy, it has to be seen that the husband is working in the W.C.L. and getting regular salary. The trial Court has considered the salary of the husband for the month of June-2024 as Rs.54,521/- per month. On a specific query to the counsel for the petitioner about the current salary of the petitioner, it is informed that the gross salary of the husband is Rs.88,000/- per month, however he submits that after various deductions the actual salary is about Rs.40,000/-. It has to be noted that the husband's salary from his permanent job with the W.C.L. is about Rs.88,000/- per month although there may be certain deductions on account of advances and loans, the fact remains that the wife is entitled for grant of interim maintenance as she is unable to maintain herself. In view of this, the direction to pay interim maintenance of Rs.10,000/- per month is not at all arbitrary. Although the impugned order does not show that the trial Court has considered the amount of Rs.4,000/- per month granted in other proceedings, I am of the firm opinion that even if the said amount is considered, the direction to pay an amount of Rs.10,000/- per month as interim maintenance is not at all perverse.

7. A perusal of the impugned order shows that the trial Court has given due consideration to all the relevant factors including the income of the husband and inability of the wife to maintain herself. It has to be seen that the wife is entitled for the same standard of living as that of her husband and hence the direction to pay the interim maintenance of Rs.10,000/- is based on the sound reasoning.

8. I do not find any perversity with the impugned order. Hence, having regard to the factual and legal aspects, no interference is warranted with the impugned order. The writ petition is accordingly dismissed with no order as to costs. Rule stands discharged.

(PRAFULLA S. KHUBALKAR, J.)

APTE

Signed by: Apte
Designation: PS To Honourable Judge
Date: 23/01/2026 13:21:19