



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

WRIT PETITION NO. 6649 OF 2025

Govinda Divakar Kalbande, Age 33 Years, Occ: Service, R/o Galli No.4, Nawathe Plots, Amravati, Tq. & Dist. Amravati. Presently working at Ezhimala in State of Kerala (India).

PETITIONER

VERSUS

Suchita Govinda Kalbande, Age 31 Years, Occ:Household work, R/o Saikrupa Colony, Behind Gajanan Maharaj Mandir, Sai Nagar, Amravati, Tq. & Dist. Amravati.

RESPONDENT

Shri P.S. Raut, counsel for the petitioner.
Shri S.B. Gandhe, counsel for the respondent.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : FEBRUARY 03, 2026

ORAL JUDGMENT

RULE. Rule made returnable forthwith. Heard finally with consent of the learned counsel for the parties.

2. By this petition, the petitioner-Husband challenges the order dated 05.05.2025 passed by the Family Court, Amravati on an application under Section 24 of the Hindu Marriage Act, 1955 (for short, 'the Act of 1955') granting maintenance pendente lite to the wife and son of the petitioner.

3. The petitioner has filed Petition No.A-327 of 2023 under Section 13(1)(i-a) of the Act of 1955 in which the wife appeared and filed her written statement. The respondent-Wife filed an application under Section 24 of the Act of 1955 seeking interim maintenance of Rs.50,000/- per month for herself and the minor son aged four years. The application was resisted by the husband and the Family Court allowed the application directing the husband to pay interim maintenance of Rs.15,000/- per

month to the wife and Rs.10,000/- per month to the son alongwith litigation expenses of Rs.10,000/-.

4. The learned counsel for the petitioner-Husband vehemently submitted that the direction to pay interim maintenance of total Rs.25,000/- per month is without any basis since the wife has failed to demonstrate any need for claiming the exorbitant amount. He submitted that the trial Court has failed to consider the expenses incurred by the husband and gave unnecessary importance to the salary certificate of the husband which included the amount of training allowance. In support of his submissions, he placed reliance upon the judgments of the Hon'ble Supreme Court in *Parvin Kumar Jain Versus Anju Jain* [2024 INSC 961] and *Rajnesh Versus Neha & Another* [(2021) 2 SCC 324].

5. Opposing the petition, the learned counsel for the respondent-Wife submitted that the husband is undisputedly working as Chief Petty Officer in the Indian Navy and is earning salary of more than Rs.1,00,000/- per month as on today. He therefore justified the impugned order.

6. While considering the rival contentions, it has to be seen that the wife has claimed interim maintenance for herself and four year old son. Undisputedly the husband is working as Chief Petty Officer in Indian Navy and his salary for the month of January-2025 was Rs.97,105 and for February-2025, it was Rs.1,65,199/- and considering these salary slips the

trial Court has given due consideration to the possible total annual income of the husband.

7. Even the learned counsel for the petitioner does not dispute that the current salary of the husband may be more than Rs.1,00,000/-. Although the learned counsel for the petitioner submitted that the amount was required to be granted by considering the actual needs of the wife, it has to be noted that the wife is entitled for the same standard of living as that of her husband, even though living separately, as has been held in several judgments including those relied upon by the counsel for the petitioner. As such, considering the financial position of the petitioner, who is working as Chief Petty Officer with the Indian Navy and also considering the fact that the petitioner's father is a retired police officer, who is independently getting his monthly pension, no perversity is seen with the approach adopted by the Family Court in granting interim maintenance of total Rs.25,000/- per month for the wife and the minor son.

8. A perusal of the impugned order shows that the Family Court has given due consideration to all the relevant factors which are vital for deciding the application under Section 24 of the Act of 1955. I do not find any perversity with the impugned order and the petition is therefore dismissed with no order as to costs. Having regard to the controversy involved, the Family Court, Amravati is directed to expeditiously decide the divorce petition preferably within a period of one year from today.

9. The writ petition is disposed of in aforesaid terms. Rule accordingly.

(PRAFULLA S. KHUBALKAR, J.)

APTE