

MHAH230012122022

**Order below exhibit-29 in H.M.P. No.202/2022**

The petitioner husband filed petition under section 13 of the Hindu Marriage Act (for short “the Act”) for divorce alleging that the respondent wife treated him with cruelty.

2. During pendency of the proceeding, respondent wife filed application exhibit-29 under section 24 of the Act praying for monthly interim maintenance and expenses of the proceeding. According to her she is unable maintain herself and child. On the contrary, the husband is having sufficient income and hence she be granted interim maintenance of Rs.30,000/- per month and Rs.10,000/- for expenses of the proceeding.

3. The petitioner husband filed say at exhibit-32. He admitted marriage, relations as husband and wife and paternity of the daughter born on 04/03/2019. All other allegations made by the wife have been denied. He blames the wife for separation without reason. According to him the wife is earning sufficient amount from tailoring. He added that in Criminal M.A.No.280/2022 by order dated 15/04/2025 the wife and daughter have been granted Rs.5000/- towards maintenance. So it is urged that the application be rejected.

4. Heard Ms. D.L.Borude, learned advocate for respondent wife and Shri.A.G.Makhare learned advocate for petitioner husband. Considered record, including income affidavits and order dated 15/04/2025 passed in Criminal M.A.No.280/2022 by learned Judicial Magistrate First Class, Parner. The points that arise for determination are as under :

Sr.No.	Points	Findings
1)	Whether the respondent wife is entitled for maintenance <i>pendente lite</i> ?	...No.

- 2) Whether the respondent wife is ...Yes, as per final order. entitled for expenses of the proceeding ?

Reasons

Point No.1 :

5. To be precise, marriage dated 06/05/2018 and birth of daughter on 04/03/2019 is admitted. Marital tie is existing. It is admitted that respondent wife filed the Criminal M.A.No.280/2022 under the provisions of the Protection of Women from Domestic Violence Act, 2005 (for short, DV Act) in the court at Parner.

6. In income, assets and liabilities affidavit of the respondent wife at exhibit-31 she did not disclose grant of interim maintenance in the proceeding under the DV Act. This material fact is suppressed. The other is filed on record by the petitioner husband. I have perused the said order. All the contents raised in present application and the application under DV Act for interim maintenance are identical. All the points have been dealt with on merits by the learned Judicial Magistrate First Class (Court No.3) at Parner and then arrived at the conclusion and determine the justifiable quantum. The said order is dated 15/04/2025. After that order on 04/08/2025 the present application for interim maintenance is filed. It is not stated as to why despite order of interim maintenance in the proceeding under DV Act, again interim maintenance is required and how this court can grant interim maintenance again on the same facts and circumstances. It was duty of the respondent wife to disclose the material fact of grant of interim maintenance to the respondent wife and daughter by order dated 15/04/2025. It is suppression of material facts, affecting the decision of interim maintenance till present case. For these reasons respondent wife is disentitled for interim maintenance. The point no.1 is accordingly answered in the negative.

Point No.2 :

7. As the proceeding is filed by the petitioner husband. Respondent wife requires to attend present proceeding on some or the other date. Therefore, it is necessary and justifiable to grant appropriate amount for expenses of present proceeding. In my considered opinion,

having regards to the facts and circumstances came on record, sum of Rs.10,000/- (ten thousand) would be sufficient amount for expenses of the present proceeding. The point no.2 is answered accordingly.

8. For the reasons stated above, I proceed to pass following order :

- 1) The petitioner husband is directed to pay lum-sum Rs.10,000/- (ten thousand) to the respondent wife for expenses of the present proceeding.
- 2) The claim for interim maintenance stands rejected.
- 3) Application is partly allowed in above terms.

Date : 29/04/2026

Civil Judge, S.D.
Shrigonda.