

ORDER ON IA NO-I FILED UNDER SECTION 24 OF HINDU
MARRIAGE ACT.

The respondent has filed the present application for granting interim maintenance of Rs.20,000/- per month and litigation expenses from the petitioner.

2. The applicant/respondent has contended that, the petitioner is working as a tractor driver and earning Rs.15,000/- per month and Rs.500-1000/- Batta per day. The petitioner is getting income of Rs.35,000/- per month. The petitioner has got wet land bearing survey number 189/3 measuring 5 acre of land. The petitioner is growing commercial crops like sugarcane and getting income of Rs.6,00,000/- per year. The petitioner is having own house at Golasar village. The petitioner in spite of having sufficient source of income is not paying any maintenance to the respondent. The respondent is in need of Rs.20,000/- per month maintenance from the petitioner. On the said material

grounds the respondent has prayed for allowing the present application.

3. The petitioner has filed his objections to the present application by denying the grounds of the application. The petitioner has contended that, the respondent has already got a maintenance order from the Civil Judge and JMFC Court Afzalpur in Criminal Misc No-03/2023. The said case is still pending. The respondent is not depending upon the petitioner. The respondent has deserted the petitioner and living separately without any cause. The petitioner is having responsibility of his father and mother. On the said material grounds the petitioner has prayed for rejection of the present application.

4. Heard both the side.

5. Perused the records, the petitioner has filed the present petition under section 13 (1) (1-b) of Hindu marriage Act for a

decree of divorce against the respondent. The relationship of the parties is not in dispute. The marriage of the parties appears to be performed on 28-06-2011. The present petition is filed on 28-01-2025. The parties appear to be residing separately.

6. The petitioner has admitted that, the respondent is residing separately from the petitioner from last 3 and half years. The petitioner has admitted that, they have got 3 children aged about 10 year, 7 year and 6 years.

7. The respondent has produced the copy of interim order passed in criminal miscellaneous number 03/2023. From the said document it appears that, the Hon'ble JMFC Court Afzalpur has granted interim maintenance of Rs.2,000/- to the respondent and Rs.3'000/- for the children.

8. On perusal of the materials on record it appears that the Hon'ble JMFC Court Afzalpur has already granted an

interim maintenance to the respondent. The respondent has not disclosed the said fact of granting interim maintenance in the present application. The present petition is filed by the petitioner for a decree of divorce against the respondent alleging desertion by the respondent. The respondent has contested the present petition by denying the case of the petitioner. Hence considering the materials on record I am of the opinion that the respondent has not made out grounds for granting interim maintenance in her favour. In view of contest of the present petition by the respondent and grant of interim maintenance to the respondent holding that she is unable to maintain herself I am of the opinion that the respondent is entitled for litigation expenses of Rs.10,000/- in the present case.

Hence the present application filed by the applicant/
respondent is hereby allowed in part.

The petitioner/ opponent is hereby directed to pay litigation expenses of Rs.10,000/- to the respondent without any delay.

Senior Civil Judge and JMFC,
Afzalpur.