



**Order below Exh.16 in H.M.P. No.33/2021**  
(C.N.R. No. MHAH05-000138-2021)

By this application the petitioner wife is seeking maintenance *pedentelite* under section 24 of the Hindu Marriage Act.

2. It is her contention that, she has filed this petition under section 9 of the Hindu Marriage Act. She has further contended that, herself is residing separately at Shrirampur, Dist.Ahmednagar. She is having no source of earning. She has to face this litigation by attending the Court on every date. The respondent is serving in State Excise Department and getting salary of Rs.60,000/- per month. So also, his mother is getting two pensions. Accordingly, she has prayed for maintenance at the rate of Rs.20,000/- per month for herself, from the petitioner *pedentelite*.

3. The respondent failed to file his say to this application even after ample opportunity.

4. Heard learned advocate of the petitioner. Nobody appeared and argued the application for the respondent, though called out repeatedly.

5. Considering the contentions of the petitioner, following points arise for determination, to which findings are recorded followed by reasons there under.

<u>No.</u>	<u>Points</u>	<u>Findings</u>
1	Is the petitioner entitled for relief as claimed ?	Partly Yes.
2	What order ?	As per final order.

### REASONS

#### As to Points No. 1 :-

6. It is a fact on record that, this petition is filed for seeking restitution under section 9 of the Hindu Marriage Act. No doubt, the petitioner is shown to be resident at Shrirampur, Dist.Ahmednagar. No doubt, the petitioner has engaged advocate for representing her. It is also needless to mention that she has to attend the dates of this matter.

7. The provisions of section 24 of the Hindu Marriage Act specifically provides for grant of maintenance *pendentelite* and expenses of proceedings. This provision categorically states that either the wife or the husband, as the case may be, has no independent income sufficient for her or his support and the necessary expenses of the proceedings, the court may grant reasonable monthly maintenance and expenses of the proceedings from the adversary.

8. In this matter, at this juncture, the petitioner has contended that the respondent is serving in State Excise

Department and getting salary of Rs.60,000/- per month. However, she has not placed any documentary evidence on record in order to substantiate her contention about income of respondent from salary. However, it is significant to note here that, the respondent in his written statement and his affidavit filed along with his written statement, has categorically stated his occupation as service.

10. In these circumstances, it is significant to note here that, the respondent is having sufficient source of earning for his service, for himself and petitioner. More so, there is nothing placed on record by the respondent in order to show that, the petitioner is having source of earning. Therefore, at this juncture, there is no alternative than to infer that the petitioner is having no source for making expenditure of her traveling and fees of her advocate and even for maintaining herself.

12. In the present matter, from the *prima-facie* circumstances, it appears that the respondent is having sufficient source of earning whereas the petitioner is not having any source of earning. In all these circumstances, it would be just and proper to grant interim maintenance to the petitioner from the respondent.

13. Therefore, considering all these circumstances, the reasons mentioned in the application and the income source

of the respondent, it would be just and proper to grant interim maintenance of Rs.5,000/- per month to the petitioner. Accordingly, by answering the point No.1 under determination, following order is passed.

**ORDER**

1. The application is partly allowed.
2. The respondent shall pay maintenance *pedentelite* of Rs.5,000/- (Five Thousand only) per month to the petitioner from the date of this application, till disposal of the matter.
3. The respondent shall further pay an amount of Rs.2,000/- (Two Thousand only) towards expenses of this proceeding to the petitioner.

Date : 25/04/2022.

( D.P.Kasat )  
Civil Judge, Senior Division  
Shrirampur.

**CERTIFICATE**

I affirm that, the contents of this PDF file order are same word to word, as per the original.

Name of the Court : Civil Court, Senior Division,  
Shrirampur, Dist.Ahmednagar.

Name of Stenographer : Ajinath A. Padalkar.

Date of order : 25.04.2022.