

MHAH190005292023



**Order Below Exh.6 in Cri. M. A. 88/2023**

(Shruti Akshay Sandbhor Vs. Akshay Abhimanyu Sandbhor)

The application (Exh.06) is for grant of interim order under section 125 of the Code of Criminal Procedure.

2] Heard Ld. Advocates for both parties and perused the record. The following points arise for my determination and I have recorded my findings thereon with reasons as under :-

Sr. No.	Points	Findings
1]	Whether the applicant is entitled to get interim maintenance from non-applicant during pendency of the main application?	Yes.
2]	What order?	Application is allowed.

**: REASONS :**

**AS TO POINT NO. 1:-**

3] It is not disputed that, the marriage of Applicant and Respondent was solemnized on 18/01/2021 in accordance with Hindu rites and rituals. Applicant is the legally wedded wife of the respondent. The marital tie between the parties is still in subsistence. It is not disputed that applicant is residing at her parental house. At present, limited question before this Court is to decide whether the applicant is entitled to get interim maintenance from the respondent. The applicant states that, she was illtreated by respondent and is mother. It is submitted that respondent's mother used to make her stand in the kitchen all day long. Respondent's mother used to ridicule the shape of applicant's face and fingers. Respondent's mother and sister starved the applicant by not serving her food on time. Respondent used to tell the applicant that seeing her face in the morning is a bad omen for him. Respondent used to

tell applicant that he does not like her, she is his parents choice and he has married her without his consent and willingness. Respondent started demanding divorce from the applicant and threatened that he will approach court to seek divorce from her. On 07/11/2021 Respondent threw applicant out of the matrimonial house. Since then applicant is compelled to reside at her parental house. She has no source of income and staying at the mercy of her parents. Respondent on the other hand is highly educated. Respondent and his family owns large number of properties and they draw income of Rs. 4 lacs to 5 lacs from the agricultural land. Moreover, respondent and his family also own a resort from which they earn income of Rs. 20 lacs to 25 lacs. Besides this respondent and his family owns five to six shop premises and earn rent of Rs. 25,000/- to 30,000/- per month. It is prayed that application of applicant for interim maintenance allowance may be allowed.

4] The respondent has opposed the application and filed his reply vide Exh.23. The application has been resisted by the respondents on the grounds that, the applicant is residing with her parents by her own will and wish. Applicant can maintain herself. Applicant has deserted the respondent. Respondent has filed an application under section 13(1) of Hindu Marriage Act at Rajgurunagar Court. With this he sought rejection of the application.

5] In Rajneesh Vs. Neha and Anr. 2020 SCC Online SC 940, Hon'ble Supreme Court has laid down that parties in case in which maintenance is claimed should file affidavit in respect of assets and liabilities. In this case both applicant and Respondent have filed their respect affidavits of assets and liabilities. Applicant has filed her affidavit of assets and liabilities at Exh.15 and respondent has filed his affidavit of assets and liabilities alongwith Exh.24. In the affidavit of assets and liabilities of the applicant at Exh. 15 she has mentioned that she is not employed anywhere and she does not have any source of income. Whereas respondent has mentioned that his monthly income is Rs. 20,000/- per month. Applicant has also filed on record salary certificate of

respondent alongwith list of documents at Exh.30. It shows that as per salary certificate respondent earns monthly salary of Rs. 20,000/- and annual salary of Rs. 2,40,000/-.

6] Considering the instant application and the documents adduced on record, it could be gathered that, marital tie of applicant and respondent is not denied by the respondent in his say. It appears that the fact that applicant is living separately is also not denied by the respondent. From the instant application it appears that the applicant is dependent upon the mercy of her parents. At this stage except oral submissions, Respondent has not filed on record any document to show that applicant has independent source of income. Advocate of applicant has argued that the respondent being the husband should maintain the applicant but he is in not taking responsibility of her. On the other hand, advocate of Respondent has argued that there are landed properties standing in the name of the applicant. Respondent has filed documents of gat no. 135 of village Ranajani Dist Jalna to support his contentions. However, at this stage it is pertinent to note that Respondent has not made any submission in his say regarding any provision of maintenance made by him to support applicant since filing of instant application. As far as regards the argument of advocate of respondent about landed property standing in the name of the applicant is concerned, it is well settled proposition of law that every aggrieved married woman has a right to seek maintenance amount from her husband which will provide her with same level of comfort and lifestyle which she enjoyed in her matrimonial house. In my view Respondent being husband of the applicant is responsible to maintain applicant. Thus, Respondent cannot escape from his duty to maintain applicant.

7] Substantial amount of time would be required to decide the main application. It would cause great hardship to the applicant if interim maintenance is not granted to her. Therefore, considering the reasons stated in the application and looking to the matter before me, it would be proper and just

to grant interim maintenance to the applicant till the decision of the main application. Here, it must be noted that this is the interim stage where the court cannot go into minute details of the case which requires evidence. The question of determination of maintenance amount shall be considered at the time of final disposal of the matter. From the documents such as respective affidavits of assets and liabilities filed by applicant and respondent and salary certificate of respondent, it prima facie appears that Respondent is having sufficient means to pay maintenance. At present in above circumstances considering the above documents, amount of Rs. 5000/- per month payable by Respondent to applicant will be sufficient towards interim maintenance. Therefore, applicant is entitled for interim maintenance of Rs. 5000/- per month from Respondent. Therefore, I record my finding to point No. 1 in the affirmative.

**AS TO POINT NO. 2 :**

8] In view of my affirmative finding to point no.1 the present application to the extent of interim relief deserves to be partly allowed, consequently, I pass the following order -

**ORDER**

1)	Application is partly allowed.
2)	Respondent is directed to pay Rs. 5,000/- (Rupees Five Thousand only) per month to the applicant towards interim maintenance of the applicant from the date of the application till disposal of the main application.
3)	The copy of this order be given to applicant and respondent free of cost.

Shevgaon  
Date: 08/11/2023

Sd/-  
(S.U.Jaguste)  
J.M.F.C.,Shevgaon.