

**ORDER BELOW EXH.6**  
( Passed on 17-03-2025 )

This is an application filed by the petitioner for maintenance pendente lite and expenses of proceeding under Section 24 of the Hindu Marriage Act, 1955.

2] In the application it is contended by the petitioner that, she is legally wedded wife of the respondent. She has filed this petition for the relief of dissolution of marriage. Parties of this petition are residing separately since 26.05.2023. The petitioner has no source of income. The minor daughter of parties is residing with the petitioner. Therefore, the petitioner has to do the expenses for the upbringing and education of her minor daughter. The respondent has ample source of income, he is having Hotel, Beer Bar and fertile agricultural lands. He is also having one big bungalow. He earns Rs. 2,00,000/- per month from his business and he gets Rs. 15,000/- per month as rent. He also gets the income of Rs. 7,00,000/- per annum from his agricultural lands. Therefore, he is able to pay the amount of Rs. 25,000/- per month for the petitioner as maintenance pendente lite and expenses of proceeding.

3] The respondent has filed his written statement at Exh.17 and he has also filed prusis Exh.18 stating that his written statement be considered as his reply to this interim application. In his reply the respondent has admitted that the petitioner is his legally wedded wife. He has further contended that, he has done his education as B.E. (civil), M.E.(M.Tech.) and the petitioner is also B.E.(IT). He has further contended that, his father has done expenses of the marriage

of petitioner and respondent. Actually it was decided that both parties shall do the half-half expenses of marriage ceremony of the petitioner and respondent. But, petitioner's father failed to do the half expenses of said marriage. The petitioner's behavior at the house of respondent was not proper. She used to raise quarrel with respondent. She used to leave the respondent's house without any reason. She used to misbehave with respondent's mother. She used to threaten the respondent that she will commit suicide. She is very high tempered lady. She used to get annoyed, even she has broken mobile handset of respondent. The petitioner is falsely alleging that the respondent has taken doubt on her character. She was not giving proper attention towards her minor daughter. The petitioner does not allow the respondent to meet his daughter. The petitioner has left the respondent without any justifiable reason. She is residing at her parents house by her own wish. The respondent's father Sudhakar Burakale was having Beer Bar License but he died on 24.08.2017. The respondent is not having any source of income, therefore, this application be rejected.

4] Considering overall record, following points are arising before me for determination I have recorded my findings thereon for the reasons as under :-

<u>Points</u>	<u>Findings</u>
1. Whether the respondent is entitled to get interim .... maintenance and expenses of proceeding as sought ?	<b>Partly in the Affirmative.</b>
2. What order ? .....	<b>Application is partly allowed.</b>

## REASONS

### As to Point No.1 :-

5] Heard learned respective Advocates of both sides at length. I have also gone through the affidavit of Assets and Liabilities filed by the petitioner at Exh. 19 and affidavit of Assets and Liabilities filed by the respondent at Exh.20. In her affidavit of Assets and Liabilities the petitioner has mentioned that, she is not having any source of income and the respondent is having Hotel and Beer Bar and he earns Rs. 2,00,000/- per month from said business. Further the respondent is having agricultural land Beering gat no. 42, area 30 R, gat no. 43 area of 5 H 16 R at Nadura and field gat no. 88/1 area of 1 H 24 R, gat no. 188/3 area of 1 H 77 R at village Nandura Bu. and he is also having plot no. 159, 25/8, 31 and bungalow in field gat no. 20/1/1 at Nandura, Tq. Nandura, Dist. Buldhana. Contrary the respondent has mentioned in his affidavit of Assets and Liabilities that he is having responsibility of his old aged mother who is suffering from several diseases. He has further mentioned that he is doing labour work at Vidhata Bar and Restaurant and earns Rs. 15,000/- per month only. As well as he has contended that, he is having agricultural land Beering gat no. 43 area of 1 H 60 R and said land is non-irrigated land. He has given his agricultural land on contract and from said agricultural land he earns Rs. 60,000/- per year only. He has further contended that, the petitioner is working as a teacher at Lal Bahadur Shastri Dnyanpith and Junior College, Akot and she gets salary of Rs. 18,000/- per month.

6] On going through overall record and submissions it is very clear that admittedly the petitioner and the respondent are legally wedded wife and husband. Further it is also admitted that at present the petitioner is not residing with the respondent. In this petition petitioner is contending that due to the ill-treatment at the hands of respondent and his family members she is constrained to reside separately. Contrary the respondent is contending that the petitioner herself left the respondent without any satisfactory reason. In such circumstances, at this juncture it is very hard to decide whether the respondent needs to be held guilty for causing cruelty to the petitioner or petitioner needs to be blamed for deserting the respondent without any reason. Said things can be determined by due course of trial. But at present it needs to be considered that being husband it is responsibility of the respondent to maintain his wife and her minor daughter. At this juncture there is nothing on record to show that the respondent has done any arrangement for the maintenance of petitioner and her minor daughter. But it also needs to be considered whether the petitioner is having source of income to maintain herself and her daughter. For that purpose on going through the overall record it appears that the respondent is contending that, the petitioner is a teacher and she is getting salary of Rs. 18,000/- per month. In respect of said contention the respondent has produced the photographs of petitioner in which it appears that she is standing in front of building of Lal Bahadur Shastri Dnyanpith and Junior College, Akot. But this photos are not sufficient to held that she is doing job as a teacher at said college.

7] In such circumstances with intent to determine the standard of living and status of the parties it also needs to be considered that both parties are highly educated persons. Further the documents produced with list of document Exh.3 prima facie shows that the agricultural lands which are mentioned in the affidavit of Assets and Liabilities of the petitioner are lying on the names of respondent and his father and mother. Further it also admitted that there was Beer Bar License on the name of respondent's father and at present the respondent is working in said Beer Bar. The respondent is contending that, he is just working as labour at said Beer Bar. But he has not clarified that at present who is running the Beer Bar which stands on the name of the deceased father of respondent. In such circumstances, prima facie it needs to be believed that, after the death of the father of respondent, the Beer Bar lying on the name of the father of respondent is run by present respondent and the agricultural lands lying on the names of respondent and his parents are cultivated by the respondent. In such circumstances, it prima facie appears that the source of income of the respondent mentioned by the petitioner in her affidavit of Assets and Liabilities are genuine source of income of the respondent. But the amount of income source of respondent mentioned in said affidavit of Assets and Liabilities of the petitioner appears to be exaggerated amount of income. But considering the area of agricultural lands and nature of business it needs to believe that the respondent must be earning at least Rs. 50,000/- to 75,000/- per month. In such circumstances considering his source of income and liabilities mentioned in his affidavit of Assets and Liabilities it would

be just and proper to direct the respondent to pay the amount of Rs. 15,000/- per month to the petitioner as maintenance pendente lite and expenses of proceeding from the date of the filing of this application till further order. Hence, in answer point No.1, I record my finding in partly affirmative.

**As to Point No.2:-**

8] In view of my finding on point No.1, the application will have to be partly allowed. In the result, I pass the following order.

**ORDER**

- 1) Application Exh.6 is partly allowed.
- 2) The respondent is hereby directed to pay an amount of Rs.15,000/- (Rupees Fifteen Thousand only) per month to the petitioner as an amount of interim maintenance and expenses of proceeding from the date of the filing of this application till further order.
- 3) Costs in main cause.

Date : 17/03/2025.

**( Mahesh S. Kale)**  
Civil Judge (Sr.Dn.),  
Akot.