

Order below Exh.04 in P.W.D.V. Appeal No.12 of 2022.
(Akbar Shaikh Kadir & Ors. V/s. Hina Bi Shaikh Akbar)
(CNR No. MHJG-01000-918-2022)

The application is filed by the appellant original respondent no.1 in PWDV No.59 of 2021. The original applicant and respondent no.1 are husband and wife. The wife has filed PWDV application and claimed various reliefs in which the Trial Court has passed order of interim maintenance at Exh.04 on 14/11/2022. The respondent no.1 has challenged said order in appeal on various grounds. The appeal is pending. During pendency of appeal he has filed Exh.04 with request to stay the order dated 14/11/2022.

02) As per respondent no.1 the Trial Court has not considered the source of income of respondent no.1 and without considering his paying capacity the order is passed. The Exh.04 is opposed by wife on the ground that the past maintenance amount of Rs.72,000/- is due against respondent no.1 out of which he has paid only Rs.18,000/- and just to avoid the payment of maintenance the application is filed.

03) The husband has filed written notes of arguments at Exh.14 and orally heard on behalf of the wife.

04) Here the husband has mentioned that without considering his paying capacity the Court has passed order. But from the finding of the Trial Court it appears that the Trial Court

has granted only Rs.3,000/- maintenance to the wife when she has asked Rs.10,000/- per month. Therefore, prima facie the order of the Trial Court seems to be proper. However, the rest of the factors whether the husband has paying capacity, what source of income he is having etc would be considered in the final argument, but at this stage the wife is residing separately from the husband and therefore, the husband has to maintain the wife and he has to pay the amount. If the maintenance order is stayed then it will be difficult for the wife to maintain herself. Therefore, I do not find substance in the submission of husband till pendency of appeal the order dated 14/11/2022 be stayed. On the contrary the parties are at liberty to appear for final argument. With these observation, following order is passed.

ORDER

- 1) The application is rejected.

Date :- 19th November, 2025
Amalner.

(C. V. Patil)
Additional Sessions Judge,
Amalner, Dist. Jalgaon.

Directly dictated on computer
on 19th November, 2025.