



Order below Exh. 12 in
Hindu Marriage Petition No. 326 / 2022
(Old No. H.M.P. No. 67/2020)
CNR Number is MHKO050042652022
(Passed on 16.10.2023)

The Respondent Sujata has made application for grant of interim maintenance under Section 24 of the Hindu Marriage Act, 1955. According to her, she is legally wedded wife of the petitioner and has one daughter namely Sanskriti from the marriage. Further submitted that, original application is filed under section 9 of the Hindu Marriage Act, 1955 for restitution of marriage. The petitioner has withdrawn her from in-laws house. Therefore, she is living at her maternal home. Therefore, she prays for Rs. 5,000/- per month for proceeding expenditure under section 24 of The Hindu Marriage Act, 1955.

02. The Petitioner resisted the application vide Say Exh. 14 contending that, he has filed original application for restitution of marriage. She has filed present application only with intent to harass him. Contents of application are false and incorrect. He further submitted that, respondent has withdrawn from his society without any reasonable cause. His daughter is living with him. He further contended that, in another proceeding, maintenance amount of Rs. 1,500/- is allowed and economic condition of her maternal house is sound. Therefore, it is not required to allow the application. Hence, prayed to reject the application.

03. Heard both sides at length. I have gone through the application and say thereof carefully. Primarily, it is seen that the present proceeding is under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights. So far as, the application for interim maintenance is concerned, theme behind Section 24 of the Act needs to be understood. It is basically a provision, which helps the wife or husband, who needs court expenses and livelihood expenses during the pendency of proceeding. Therefore, obviously the present wife Sujata is entitled for maintenance as prayed for.

04. Now the quantum of maintenance is to be seen. The respondent wife has not produced any reliable proof of income of the petitioner husband, therefore, his income could not be ascertained in exact sense. On the other hand, learned advocate for the respondent admitted before court orally that, in another proceeding maintenance of Rs. 1,500/- is allowed and daughter Sanskriti is living with the petitioner. In this situation, as a able bodied person theory, Petitioner husband has to maintain his wife according to law. Therefore, least amount of maintenance is definitely warranted or justified.

05. Considering the proceeding expenses of this matter and some maintenance is concerned, here also definitely she is entitled for maintenance pendent lite as per section 24 of the Act. However, definitely maintenance for attaining the court proceeding expenditures are necessary. Considering the nature of the present proceeding i.e. section 9 of the Act and her place of residence, distance of the court, fees of the advocate etc. and income of the

petitioner husband, the proper quantum of maintenance would be Rs. 1,000/- per month for meeting the expenditure of proceeding. Hence, I pass the following order :-

ORDER

1. Application (Exh.12) is allowed.
2. The Petitioner is hereby directed to pay an amount of Rs. 1,000/- (One Thousand Rupees only) per month to the Respondent without fail as interim maintenance under section 24 of the Hindu Marriage Act, 1955.
3. Main proceeding (Exh.1) to proceed without delay.
4. Parties to take note.

Date : 16.10.2023

(B. T. Yengade)
Jt. Civil Judge Senior Division,
Ichalkaranji