

ORDER BELOW EXH.23 IN HMP NO.51/2025
(OLD HMP NO. 79/2022)
(Nivrutti Sagar Vs. Mukta Sagar)
(Order passed on 04.11.2025)
CNR No.MHLA170004462025

The respondent has filed application for interim alimony under section 24 of the Hindu Marriage Act, 1955. It is submitted by the respondent that, the petitioner has filed the petition under section 13(1)(ia),(ib) of the Hindu Marriage Act, 1955 for desolation of marriage. The respondent further submits that, she having one son namely Ansh Nivrutti Sagar. He is taking education in Rajmata Jijau English Medium School, Pune. His annual fees is Rs. 21,000/- and tuition fees is Rs. 1,000/- per month. The respondent cannot bear educational expenses of her son as she is economically poor. The petitioner has responsibility to maintain his son and to incur educational expenses of his son. Still, the petitioner has not paid any amount towards maintenance to the applicant and her son.

2. The petitioner is working as Homeguard at Pashan Police Station, Pune and he is getting salary of Rs. 40,000/- to 50,000/- per month. He is also doing part time private job as a driver in the Municipal Corporation of Bhosari and earning amount of Rs. 20,000/- to 25,000/- per month. Thereby he is earning total amount of Rs.70,000/- to 75,000/- per month. Therefore he is liable to pay amount Rs. 15,000/- to respondent towards interim alimony and Rs. 15,000/- towards the educational expenses of her son. Therefore, the respondent is entitled to interim alimony of Rs. 30,000/- per month from the

petitioner.

3. The petitioner has filed his say at Exh. 32. He has denied that, he is getting salary of Rs. 40,000/- to 50,000/- per month and he is earning Rs. 20,000/- to 25,000/- per month from the private job as a driver. On the other hand the petitioner alleged that the respondent cohabited with him only for 8 to 10 days after the marriage. The petitioner went to Pune alongwith the respondent and started to reside in a rented room. She cohabited with the respondent for some days. During the pregnancy she went to her maternal house and did not return for cohabitation with the petitioner. Thereby, the respondent herself deserted the petitioner. She is working as staff nurse in Indrayani Hospital, Alandi Tq. Khed Dist. Pune since the year 2017. She was getting salary of Rs. 7500/- per month at the time of her appointment as a nurse. Presently, she is getting salary of Rs. 20,000/- to 25,000/- per month. Therefore, the respondent is economically sound and she is capable to maintain herself and her son.

4. The petitioner has admitted that he is working as Homeguard. His service is not permanent. Whenever bandobast is required at the time he is called for the bandobast and he is paid for only that day of bandobast. Generally the petitioner is called for bandobast during Ganesh festival, Navratri festival and Diwali festival. He is not getting permanent salary. He is getting his remuneration only after 6 to 7 months of his duty. Parents of the petitioner are dependent on him. Parents of the petitioner are old aged therefore the petitioner has to bear their medical

expenses. The petitioner is doing labour work. He has no other source of income. Still the petitioner is ready to take care of his son and to bear his educational expenses. However, the respondent is reluctant to send her son to reside with the petitioner. On the contrary the respondent is getting sufficient salary to bear her expenses and educational expenses of her son. Hence, the respondent is not entitled for interim alimony. Therefore, the petitioner prayed to reject the application.

5. In view of averments made by respondent and denied by petitioner following points arose for my determination. I have recorded my findings thereon for the reasons as follows :-

Sr.No.	Points	Findings
1.	Does respondent prove that she is residing separately from the petitioner ?	Yes.
2.	Does respondent prove that, she and her son are entitled for interim alimony?	Yes, to the extent of Rs. 6000/- per month only.
3.	Does petitioner prove that, the respondent has sufficient income to maintain herself and her son ?	No.
4.	What order?	The application is partly allowed.

REASONS

6. The respondent has filed office copy of the letter given by her to Superintendent of Police Women Cell, Pimpri Chinchwad, Pune at Serial No. 1. Application given Superintendent of Police Women Cell, Pimpri Chinchwad, Pune at Serial No. 2, notice reply given by the petitioner at Serial No.

3, Bonafide certificate of her son at Serial No. 4, receipts of School fees at Serial No. 5 and 6, notice of women cell at Serial No. 7 and copy of Aadhaar card of her son at Serial No. 8 alongwith list Exh.26. The respondent has also filed her salary slip with list Exh.31.

7. The petitioner has filed his Aadhaar Card at Serial No. 1, Copy of Invitation card of marriage at Serial No. 2, Copy of complaint filed by the petitioner to the Superintendent of the Police, Nanded at Serial No. 3, Copy of NCR report at Serial No. 4, Copy of Medical report at Serial No. 5, Copy of X-ray at Serial No. 6, Copy of prescription of Durga Hospital at Serial No. 7, Copy of RPAD at Serial No. 8, Copy of family conciliation at Serial No. 9 and 10, Copy of NCR report at Serial No. 11, Copy of Hospital appointment letter at Serial No. 12, Copy of Aadhaar card of respondent at Serial No. 13 and copy of legal notice through the advocate at Serial No. 14.

8. Heard learned counsels for both the parties at length. The learned counsel for respondent argued that, the respondent has to come from Pune to attend the dates of the petition alongwith her son. Therefore, she has to incur traveling expenses and other expenses on each and every date. She has no sufficient income to bear expenses of traveling and educational expenses of her son. On the other hand, the petitioner is getting sufficient income. The petitioner is not ready to cohabit with the respondent and has come up with false petition. Therefore, the

application of the respondent be allowed.

9. The learned counsel for the petitioner argued that, respondent has not produced any documentary proof to show the income of petitioner. On the contrary, respondent is well educated and she is working as staff nurse at Indrayani Hospital, Alandi Tq. Khed Dist. Pune. She is getting salary of Rs. 20,000/- to 25,000/- per month. Therefore, she is able to maintain herself and her son. Hence, he prayed that the application of respondent be rejected.

AS TO POINT NOS. 1 TO 3:-

10. On perusal of documents produced on record and petition, it is crystal clear that the petition is on the stage of hearing. In the view of order passed below Exh.28 the respondent has produced her salary slip of the month of July 2025 with list Exh.31 which shows that she is getting gross salary of Rs.17,161/- per month and after deductions she is getting net salary of Rs. 11,798/- per month.

11. It is clear from the application of the respondent and say filed by the petitioner that, they are residing separately from each other. The respondent is residing at Pune and doing the job of staff nurse at Indrayani Hospital, Alandi Tq. Khed Dist. Pune. Moreover, the petitioner being the father and husband of respondent, it is the duty of petitioner to maintain his son and respondent. The wellbeing of the son shall be of paramount consideration. Therefore, respondent and her son is entitled for

interim alimony as per provisions under Section 24 of the Hindu Marriage Act. However, considering day to day expenses incurred by the respondent towards her maintenance as well as educational expenses of her son, it is clear that the respondent has to incur expenses of Rs.21,000/- per year towards school fees of her son and Rs.1,000/- per month towards tuition fees, which comes to Rs.2750/- per month for the son of respondent. Furthermore, if the day to day expenses of respondent is considered including the expenses of travel to attend the dates of the court, she is also entitled for interim alimony to the extent of Rs.2500/- per month. Therefore, considering above expenses of the respondent and her son, she is entitled to get interim alimony of Rs. 6,000/- per month from the petitioner.

12. Hence, considering the income of the petitioner to be at least approximately Rs.40,000/- per month, the respondent and her son together are entitled for interim alimony of Rs.6,000/- per month. Hence, I answer point Nos.1 to 3 in the affirmative.

AS TO POINT NO.4:-

13. As per facts and circumstances discussed in point Nos.1 to 3, application of respondent for interim alimony is liable to be allowed to the extent of Rs.6,000/- per month for herself and her son. Hence, in answer to point No. 3, I pass following order:-

ORDER

1. The application is partly allowed.
2. The petitioner is directed to pay interim alimony of Rs.6,000/- per month to the respondent from the date of appearance of the respondent till the decision of this petition.
3. The petitioner shall pay the interim alimony along with the arrears to the respondent within one month from this order.

Date : 04.11.2025.

(P. I. Mokashi)
Civil Judge Senior Division,
Ausa.