

IN THE COURT OF CIVIL JUDGE, SENIOR DIVISION, RAMTEK

MHNG130001222024



H.M.P No. 11/2024

**Manoj Hemraj Vaidya vs. Sunita Manoj Vaidya**

**ORDER BELOW EXH.9.**

(Passed on this 20<sup>th</sup> day of August, 2024)

The respondent has filed an application for interim maintenance for herself and her son namely Manav s/o Manoj Vaidya under Section 24 of the Hindu Marriage Act. The respondent submits that petitioner has filed present petition for divorce under Hindu Marriage Act. The respondent further submits that present petition would take substantial time to dispose of, therefore, in mean time, she needs interim maintenance from the petitioner for the survival of her and her son.

2] The respondent further submits that, the petitioner was very heavy drinker and he used to torture her after consuming liquor. The petitioner used to take doubt on the character of respondent and used to beat her on that point.

3] The respondent further submits that she has been residing at her parental house with her son since 20/04/2022. The petitioner used to pay maintenance to the respondent from the year 2019 but petitioner stopped paying maintenance since 28/06/2023. Therefore, without maintenance, respondent and her son are unable to survive. Therefore, she is restrained to file present application for seeking interim maintenance of Rs. 1,00,000/- per moth for herself and Rs.50,000/- per month for her son.

4] The respondent further submits that, petitioner is an Engineer and earning Rs.4,00,000/- per month. Therefore, he is able to pay interim maintenance of Rs.1,50,000/- per month. Therefore, present application may be allowed.

5] The petitioner has filed his reply below Exh.13 stating that, respondent is well qualified and she is earning Rs.15,000/- per month from the job of teacher and Rs.1,00,000/- per month from the pathology work as she completed pathology course. The respondent has herself left the house of petitioner. Therefore, she is not entitled for interim maintenance.

6] Heard Learned advocates for the both sides. I must mention here that the present application is supported with an affidavit and affidavit of assets, income and liabilities of respondent. The petitioner has also filed his affidavit of assets, income, expenditure and liabilities below Exh.14.

7] At the outset, it is required to note here that, petitioner has mentioned in his affidavit of assets, income, expenditure and liabilities that he is earning Rs.1,15,000/- per month and he is electrical Engineer. The petitioner has further mentioned that, he has a personal loan of Rs.5,54,100/- and he is being incurred Rs.10,000/- per month as expenditure for maintaining his parents. By the affidavit of assets, income and liabilities of the petitioner, it is seen that petitioner is well qualified and his financial condition is very good.

8] Whereas, respondent in her affidavit has mentioned that, she is earning Rs.5,000/- per month and she has no other assets. By the affidavit of respondent, it is seen that, respondent has no strong income source. So also, there is no proof that, respondent is earning Rs.15,000/- per month from her teaching job and Rs.1,00,000/- per month from her pathology work.

9] Therefore, I am inclined to hold that, respondent is unable to maintain herself and her son without source of income at this stage. Therefore, respondent and her son are entitled for interim maintenance from the petitioner.

10] In order to decide interim maintenance, certain factors are required to be considered herein like status of parties, reasonable needs of respondent, the independent income and property of respondent, the number of persons, petitioner has to maintain, payment capacity of petitioner, liabilities of petitioner, educational cost of son etc., on these factors, application of respondent is required to be decided.

11] Considering the life status of both the parties, in my opinion, respondent i.e.wife is entitled for interim maintenance of Rs.20,000/- per month from the date of filing of main application i.e. Exh.1 from petitioner. The son of respondent i.e. Manav is also entitled for interim maintenance of Rs.10,000/- per month from the date of filing of main application from petitioner. In other words, respondent and her son collectively are entitled for interim maintenance of Rs.30,000/- per month from the petitioner. This amount would be sufficient to meet the needs of respondent and her son. Therefore, under this circumstances, the application is required to be partly allowed. Hence, I pass following order-

<b>ORDER</b>	
1	Application is partly allowed.
2	Petitioner is directed to pay interim maintenance of Rs.20,000/- per month to the respondent i.e. wife Sunita from the date of filing of main application (Exh.1) till the disposal of petition.
3	Petitioner is further directed to pay interim maintenance of Rs.10,000/- per month to their son i.e. Manav from the date of filing of main application (Exh.1) till the disposal of petition.
4	The petitioner is hereby directed to pay arrears of interim maintenance from the date of filing of main application within two months from the date of this order.

Ramtek.  
Dated : 20.08.2024

(S.M. Sarode)  
Civil Judge Senior Division  
Ramtek.