

IN THE COURT OF CIVIL JUDGE, SENIOR DIVISION, RAMTEK

H.M.P No. 232/2023

Yogeshwari Akash Dhagwe vs. Akash Tikaramji Dhagwe

ORDER BELOW EXH.11.

(Passed on this 2nd day of August, 2024)

The applicant has filed an application for interim maintenance for herself under Section 24 of the Hindu Marriage Act. The applicant submits that she has filed present petition for divorce under Section 13(1)(i) (a and b) of Hindu Marriage Act. The applicant further submits that respondent had deserted her without reasonable reason since July, 2023 and since then respondent has not provided maintenance to her.

2] The applicant further submits that she is unable to maintain herself as she has no independent source of income. Whereas, the respondent is a Professor at a Private College and he takes private tuitions. The respondent has also 10 Acre Agricultural land. Respondent is earning around Rs. 10 lac per year from all these sources.

3] The applicant further submits that, the respondent is duty bound to maintain her. The respondent has no other dependent on him. Therefore, respondent is liable to pay interim maintenance. Therefore, respondent may be directed to pay interim maintenance of Rs.10,000/- per month to her and Rs.500/- as a traveling expenses for each hearing.

4] On the other hand, the respondent has filed his reply below Exh.12. The respondent has denied all allegations of the applicant. The respondent contends that, applicant left his house at her will. Respondent further contends that he is having private job and 3 Acres land and thereby he earns Rs.9,000/- to 9,500/- per month. Respondent further submits that he has to repay loan amount and he has responsibility of his parents and niece. Therefore, he is unable to pay interim maintenance to the applicant.

5] Heard Learned advocates for the both sides. I must mention here that the present application is supported with an affidavit and affidavit of assets and liabilities of applicant (Exh.14). The respondent has also filed his affidavit of assets and liabilities below Exh.16.

6] At the outset, it is required to note here that, applicant is not earning as per her affidavit of assets and liabilities and she has no immovable properties. Whereas, respondent is earning Rs. 9,500/- per month as per his affidavit of assets and liabilities.

7] By the affidavit of applicant, it is seen that applicant is not earning at the stage, therefore, it is apparent that she is unable to maintain herself. It is required to note here that present proceeding will take some time to dispose of therefore, in meantime, applicant is required to be maintained at the expenses of respondent.

8] Now, the question prompts that how much interim maintenance is to be given to the applicant ? In order to answer this question, it is required to note here that, certain factors are required to be considered herein like status of parties, reasonable needs of applicant, the independent income and property of respondent, the number of persons, respondent has to maintain, payment capacity of respondent, liabilities of respondent etc., on these factors, application of interim maintenance is required to be decided.

9] In the instant case, respondent has already admitted that he is earning around Rs. 9,500/- per month. The respondent has also filed xerox copy of sanction letter of loan of Rs.2 lac on record. On the other hand, applicant has not provided strong documentary evidence regarding income of respondent from agricultural land.

10] Considering the facts of the case, in my opinion, applicant is entitled for interim maintenance of Rs.3,000/- per month from the date of filing of main

application i.e. Exh.1. This interim maintenance would be sufficient to the applicant to meet her needs till the decision of petition. Considering the facts of the case, expenses for each hearing cannot be granted. Therefore, under this circumstances, the application is required to be partly allowed. Hence, I pass following order-

ORDER

- 1) Application is partly allowed.
- 2) The respondent is hereby directed to pay interim maintenance of Rs.3,000/- per month to the applicant from the date of filing of main application (Exh.1).

Ramtek.
Dated : 02.08.2024

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