

MHNG140005312019

Cri.M.A. NO. 109/2019
Kalpana VS Vinod

ORDER PASSED BELOW EXH.35
(PASSED ON 13th April 2026)

The present application is filed by the applicant and seeking enhancement of interim maintenance.

2. It is the contention of the applicant that this Court has granted interim maintenance of Rs.1,000/- to applicant No.1 (wife) and Rs.500/- to the child in the year 2020. It is submitted that the said amount is insufficient for maintaining herself and the child, particularly in view of rising expenses. It is further contended that the income of the non-applicant has increased since 2020, and therefore, the interim maintenance deserves to be enhanced.

3. The non-applicant has filed his say at Exh.36 and strongly opposed the application, contending that, There is no provision for enhancement of interim maintenance at this stage. The applicant has not initiated any separate proceedings for enhancement of interim maintenance. The final order of maintenance is yet to be passed, and only thereafter the question of enhancement would arise.

4. Heard learned advocates Mr. P. S.Somkuwar for applicant and Mr. P. S. Sayare for the non-applicant. Perused the record.

5. It appears from the record that this Court, by order dated 18.04.2020 has granted interim maintenance of Rs.1,000/- (One thousand) to the applicant No.1 and Rs.500/- (Five hundred) to the non-applicant No.2. It further appears that the non-applicant is paying the said amount.

6. The record further shows that the applicant has not diligently proceeded with the matter. Till five years from the date of the interim maintenance order, no evidence was adduced by the applicant. On 18.09.2025, the applicant has filed her affidavit of evidence but without proceeding further filed this application.

7. The learned advocate for the non-applicant submitted that, of the applicant is residing in his house in a separate room along with younger son and elder son is residing with the non-applicant, the non-applicant is bearing electricity and water charges and paying interim maintenance also. Record shows that the non-applicant has paid interim maintenance amount and said has been accepted by the applicant.

8. At this stage, the matter is fixed for evidence of the applicant, and the applicant has already filed her affidavit. Therefore,

it is incumbent upon the applicant to proceed with the trial and adduce evidence.

9. Considering the facts and circumstances, I am of the opinion that when interim maintenance is already granted, the matter is at the stage of evidence, and there is delay in the proceeding on the part of the applicant. The present application for enhancement of interim maintenance is not tenable at this stage. Hence I pass the following order.

ORDER

- 1) The application for enhancement of interim maintenance is hereby rejected.
- 2) Both parties are directed to expedite the proceedings.

Date : 13/04/2026

(G.O.Wankhade)
Judicial Magistrate First Class,
Parseoni