

CNR No.MHYA230031812020



Marriage Petition Application No.168/2023
Umesh Vs. Swati

ORDER PASSED BELOW EXH.11.
(Passed on 12.06.2024)

Read the application and say filed. Perused the record.
Heard both the counsels at length.

2. The application Exh.11 is moved by the respondent under Section 24 of Hindu Marriage Act. The respondent submitted that she is legally wedded wife of the petitioner. The petitioner and his family members gave her ill-treatment. Due to which, she is residing separately from the petitioner at Malegaon, A/p. Hudi, Tq. Mahagaon, Dist. Yavatmal. Petitioner completely neglected the respondent to maintain her. She has no source of income. On the other hand, the petitioner is having 32 acre agricultural land at village Wagad, Tq. Pusad, Dist. Yavatmal and and having 5 to 6 cows. He earns rupees three to four lacs per annum from agricultural land business of milk. As petitioner is not maintaining her, she has to file this petition. Hence, she prayed that respondent may be directed to pay an amount of Rs.10,000/- for herself towards the maintenance and sum of Rs.10,000/- towards litigation expenditure.

3. The petitioner resisted this application by filing say on this application itself. He denied all the contention in application. He submitted that he has not given any ill-treatment to the respondent. The respondent is not interested to lead matrimonial life with him. Respondent herself withdrawn from the society of petitioner. In such

contingency, he is not able to pay separate maintenance and litigation expenditure to the petitioner. So he prayed for rejection of application.

4. On perusal of record, it appears that this proceeding is filed under Section 13 of the Hindu Marriage Act. The relations between the petitioner and respondent is not disputed. The right of a wife for maintenance is an incident of status or estate of matrimony. It is an admitted fact that the respondent is residing at Malegaon, A/p. Hudi, Tq.Mahagaon, Dist. Yavatmal i.e. at her parental house. She has to attend the proceeding in Court from long distance. She submitted that she has no independent source of income. She has filed 7/12 extract on record. However, except bear words of the respondent with regard the income of agricultural and milk business nothing is on record to consider that the petitioner is earning Rs.3,00,000/- to 4,00,000/- per annum. However, petitioner is able bodied person. It is a fact of common knowledge that even a labour get minimum Rs.300/- to 350/- per day from his labour work. So, it is probable that he earns around Rs.9000/- to 10,000/- per month out of his labour work. Since the petitioner is able bodied and not mentally ill. Furthermore, he has income source by his work and the respondent has no source of income.

5. Having regard to petitioner's income and no source of income of the respondent, the quantum of maintenance has to be determine. No doubt, the court exercises a wide discretion in the matter of granting maintenance pendent lite, but the discretion is required to be judicial and not arbitrary. It is to be guided, on sound principles of matrimonial law and to be exercise within the ambit of the provisions of the section and having regard to the object of the Act. If the petitioner is directed to pay monthly an amount of Rs.3000/- per month towards

maintenance pendent lite from the date of application Exh.11 till disposal of the proceeding and a sum of Rs.1000/- as litigation expenses to the respondent, it will meet the ends of justice. Accordingly, I pass following order -

ORDER

1. The application Exh.11 is allowed.
2. The petitioner do pay an amount of Rs. 3000/- (Three thousand only) per month as maintenance pendent lite from the date of application Exh.11 till disposal of the proceeding.
3. The petitioner do pay a sum of Rs.1000/- (One thousand) as litigation expenses to the petitioner.

Sd/-

(Hemant S. Bhure)
Civil Judge, (Sr.Dn.),
Umarkhed.

Date :- 12.06.2024

CERTIFICATE

I affirm that, the contents of this PDF file order are same, word to word as per the original order.

Name of the Stenographer	:-	R. R. Warankar, Gr.II
Name of the Court	:-	Civil Judge(Sr.Dn.) Court, Umarkhed
Order date	:-	12.06.2024
Order signed by the Presiding Officer on	:-	12.06.2024
Order uploaded on	:-	12.06.2024