

Order Below Exh.06

(Passed on 15th October 2019)

The present application is made for grant of interim maintenance of ₹25,000/- per month under section 125 of the Criminal Procedure Code.

2. Perused the application and say filed below it as per Exh.19. Heard Mrs. Mahajan, learned advocate for the applicant and Mr. Gawande, learned advocate for non-applicant.

3. It is the case of applicant that she is divorcee. Her marriage was solemnized with non-applicant on 24/04/2014 as per rites and rituals of Hindu religion at Dhamangaon Rly. Thereafter, she had been to Morshi for cohabitation with him. During cohabitation she came to know about the cheating by the non-applicant. She was drove out of the house and neglected by the non-applicant. She has no source of income. Moreover, she is unemployed. On the other hand, non-applicant runs tuition classes at Morshi as well as he does work of agent of Sahakari Bank. Moreover, he belongs to 3 acre agricultural land at village Surali, Tq.Chandur Bajar. Hence, he can provide maintenance of ₹25,000/- per month. Accordingly, prayed for grant of interim maintenance.

4. On the other hand, application is opposed on the ground that she has obtained divorce from non-applicant. Moreover, she has been remarried with one Sagar Subhash Deshmukh, r/o Ashiyad Colony, Amravati. She is also well educated. She has completed M.A. B.Ed. On the other hand, he is learnt only up to 12th Std. His old aged mother is also depend on him. As such, prayed for rejection of the application.

5. It appears that applicant is well educated. However, she suppressed a fact of completion of M.Sc. B.Ed. Moreover, she has not denied a fact of remarriage specifically. On the other hand, non-applicant mentioned name of the person with whom applicant remarried. It is supported with an affidavit. Moreover, as the applicant completed her qualification of M.Sc. B.Ed., therefore, she can maintain herself. Moreover, on perusal of copy of judgment of divorce petition by applicant it appears that she has obtained divorce on her own accord. Moreover, during the pendency of divorce petition she did not claim any maintenance. Because of divorce, possibility of harassment to the non-applicant may not be ruled out by filing such type of applications. Moreover, in view of provisions of section 125 of the Code of Criminal Procedure a divorcee is entitled for maintenance until remarriage. However, fact of remarriage appears reliable otherwise non-applicant would not have mentioned it and file affidavit in support of it. Therefore, she is not entitled for interim maintenance as prayed for. Hence, application is rejected with costs.

Date : 15/10/2019.

(J.G. Wagh)
JMFC Court No.2, Morshi.