

Order below Exh.22

1] The petitioner has filed this application for the recovery of interim maintenance amount .

2] The petitioner contended that she has filed an application vide Section 24 of the Hindu Marriage Act and the same came to be allowed on 02/03/2019 and the amount of Rs.4,000/- per month granted to her as interim maintenance. The respondent has not paid the amount. The amount due towards the respondent for payment is Rs.24,000/- and Rs.10,000/- towards costs. The respondent is avoiding to pay the amount therefore the suitable order be passed against the respondent.

3] The say of the respondent came to be called. The respondent submitted his say vide Exh.29 and contended that he has made an appeal against the order passed by this Court in Writ Petition No.279/2019. The order of this Court is required to be stayed till the verdict or decision of the Hon'ble Bombay High Court, Nagpur Bench, Nagpur. The non applicant/ respondent is residing at Bombay and he is not having good practice therefore he is having no adequate income to pay the amount. The petitioner is earning Rs.1,000/- to Rs.2,000/- per day from medical practice and she is running her dispensary at Mangrulpir. The respondent is not avoiding to make the

payment. The petitioner himself is interested in divorce. On the contrary he is having sufficient cause for non payment. Therefore the application filed by the petitioner is strongly opposed. The respondent prays that the order of this Court be stayed till the decision of writ petition filed in the Hon'ble Bombay High Court, Nagpur Bench, Nagpur.

4] In this case the order of the Court is passed and Rs.4,000/- per month is granted as interim maintenance under the provisions of section 24 of Hindu Marriage Act. The order is not stayed by any appellate Court. At present the order is in force and it is required to be honoured by the parties. The other grounds taken by the respondent carries no meaning as the order is already passed and the matter is subjudiced before the Hon'ble Bombay High Court, Nagpur Bench, Nagpur. The respondent is required to deposit the amount. Even if the order of interim maintenance is changed or varied than there is provision of, return of money or restitution. In such circumstances it is necessary for the respondent to obey the order of this Court and deposit the money accordingly. Therefore, I direct the respondent to honour the order of the Court and deposit the amount of interim maintenance as early as possible. I am of the view that one month time be given to respondent to make the payment. Therefore one month time is granted to respondent. At last I would like to pass the following order.

ORDER

- 1] The application is partly allowed.
- 2] The respondent is directed to pay the amount of interim maintenance and clear the arrears within one month.
- 3] No order as to costs.

Dt. 05/12/2019

Sd/-
(V.S.Khot)
Civil Judge (Senior Division),
Mangrulpir.

CERTIFICATE

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

- 1) Name of Stenographer :- R.K.Pawar, Stenographer
- 2) Name of Court :- Civil Judge (S.D.), Mangrulpir.
- 3) Date :- 05/12/2019
- 4) Order signed by the :- 05/12/2019
presiding officer on
- 5) Order uploaded on :- 06/12/2019