

Bandna Vs. Ramnaresh Shivhare

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SooperKanoon Citation : sooperkanoon.com/502196

Court : Madhya Pradesh

Decided On : Jan-27-1994

Reported in : II(1994)DMC161

Judge : K.M. Agarwal, J.

Acts : [Hindu Marriage Act, 1955](#) - Sections 24

Appeal No. : C.R. No. 460 of 1991

Appellant : Bandna

Respondent : Ramnaresh Shivhare

Advocate for Def. : Nemo

Advocate for Pet/Ap. : S.P. Sinha, Adv.

Judgement :

K.M. Agarwal, J.

1. The applicant is a legally married wife of the non-applicant. The non-applicant has filed an application for divorce in the Court below against the applicant. The applicant made an application Under Section 24 of the [Hindu Marriage Act, 1955](#), claiming interim alimony of Rs. 500/-per month and Court expenses of Rs. 500/-. The application was resisted by the non-applicant but partly allowed by the Court

below by granting interim alimony of Rs. 75/- per month and litigation expenses to the tune of Rs. 200/-. Being aggrieved, the wife has preferred this revision for enhancement in the amount of interim alimony as also in the amount of litigation expenses.

2. Having heard the learned Counsel for the applicant and after having gone through the record, I am of the view that the amounts fixed by the Court below for interim alimony and litigation expenses deserve to be enhanced.

3. The impugned order would show that the non-applicant is in service in a private auto company and is drawing a salary of Rs. 500/~ p.m. It is also mentioned in the impugned order that the non-applicant is a member of the joint Hindu family which is possessed of certain agricultural lands giving two crops in a year. Under the circumstances, the amount of interim alimony to the extent of Rs. 75/- per month appears to be unreasonably low. Treating the total monthly income of the non-applicant to be Rs. 750/- p.m. I think monthly interim alimony of Rs. 150/- would be reasonable and proper amount of alimony in the facts and circumstances of the case. In the same manner, I find that the litigation expenses of Rs. 200/- is very meagre. If it is enhanced to Rs. 350/-, that would also be fit and proper in the peculiar facts and circumstances of the case.

4. In the result, this revision partly succeeds and it is hereby partly allowed. The litigation expenses of Rs. 200/- fixed by the Court below is enhanced to Rs. 350/- and similarly the interim alimony of Rs. 75/- per month is enhanced to Rs. 150/- per month to be payable from the date of application under Section 24 of the Hindu Marriage Act. No order as to costs. On receipt of an application for express certified copy, the same shall be supplied to the learned Counsel for the applicant as early as possible.