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**District and Session Court, Pune**  
**Case Details**

Case Type	: Marriage Petn.
Filing Number	: 3340/2016; Filing Date: 13-06-2016
Registration No.	: 68/2016; Registration Date: 23-06-2016
CNR NO	: MHPU01-006590-2016

**Case Status**

First Hearing Date	: 23rd June 2016
Next Hearing Date	: 23rd December 2016
Stage of Case	: Written Statement
Court No. and Judge	: 86-DISTRICT JUDGE-16 AND ADDL SESSIONS JUDGE PUNE

**Petitioner and Advocate**

1) Subhadip Pal  
 Address - At-V3-17, Awho Tucker Enclave, Fursungi, Pune 411028  
 Advocate- Salunke M P

**Respondent and Advocate**

1) Anindita Dey  
 Address - SBI Zonal Office, Sharda Chamber, Shankar Sheth Rd, Vrindavan Society, Guru Nanak Nagar, Pune 411037

**Acts**

Under Act(s)	Under Section(s)
Special Marriage Act	27

**History of Case Hearing**

Registration No.	Judge	Business On Date	Hearing Date	Purpose of hearing

Pune-पुणे

**Case Status**

Case Number  
 FIR Number  
 Party Name  
 Advocate Name  
 Filing Number  
 Act  
 Case Type  
 Village Name

**Court Orders****Cause Lists**



Marriage Petition No 68/2016ORDER BELOW EXH- 9

The respondent/wife has moved present application for grant of interim maintenance and expenses of the proceeding under section 36 of Special Marriage Act, 1954.

2] In short, it is the contention of the respondent/wife that, she married with the petitioner on 21-1-2014 at Silchar, Dist-Cachar, Assam. The allegations made by the petitioner/husband in the present petition for grant of divorce are false and baseless. The respondent/wife has specifically denied all the allegations. It is contended that prior to marriage she was working in the State Bank of India, Silchar, Dist-Cachar, Assam. The petitioner/ husband is a software Engineer and working in Pune since last 9 years. Since the petitioner/ husband working in Pune, after marriage the respondent/wife has applied to the State Bank of India for transfer to Pune on spouse ground. Since 12-9-2014 she joined State Bank of India Zonal Office, Pune. In February 2015 the petitioner/husband started asking for money to purchase flat in Pune. She has also undergone two abortions due to mental and physical cruelty on her by the petitioner/husband. She filed police complaint in Bharti Vidyapith Police Chowky in March 2015. Without consulting her, the petitioner/husband has shifted their residence from Bibwewadi to Fursungi on 28-5-2016. The

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behavior of petitioner/husband and his parents was changed. Even the petitioner was staying in his parents bedroom. She was not allowed to cook the food. She came to know that petitioner is trying for U.S. Visa by keeping her in dark. She lodged complaint and Hadapsar Police Station registered offence on 9-7-2016 u/s 498-A, 323, 504 r/w 34 of Indian Penal Code. The landlady of Fursungi Flat has received notice from the petitioner about vacating the flat w.e.f. 24-7-2016. The respondent was directed to vacate the flat by 31-7-2016 by the landlady. In such circumstances, she is compelled to file present application for interim maintenance. It is the moral responsibility of the petitioner to take her care. She is financially not very strong as working in State Bank Of India as clerical staff and getting take home salary of Rs. 16328/-. In this salary she can not manage to pay the house rent and her day to day expenses of living. The petitioner is getting salary of Rs. 1,00,000/- per month and having car. Her income is much less. She needs same standard of living as per status of the husband. The rent for one bed room flat in the Fursungi Area is about 8000/- p.m. She needs security deposit amount of Rs. 30,000/- She prayed for grant of interim maintenance of Rs. 40,000/- p.m., Rs. 50,000/- as litigation expenses and Rs. 38,000/- towards rent and deposit immediately.

3] The petitioner/ husband has resisted the prayer by filing reply Exh-12. The relations are admitted. All



adverse allegations have been denied. It is specifically denied that respondent/wife has ever been ill-treated. On the other hand it is contended that, the respondent/wife has treated him and his parents with cruelty. It is contended that in Silchar the family of respondent/wife having two storied house with twelve rooms, six bathrooms and three kitchens. The lower floor is rented to tenants and she has source of income from it. They also owned a big shop in Silchar. Mother of the respondent is L.I.C. agent and having big business. The respondent/wife has produced salary slip and it is clear that her gross salary is Rs. 27,973/- and she is permanent employee of State Bank of India. This amount is more than sufficient to maintain a family of three people but respondent has to maintain only herself from such salary. Nobody is dependent on her. The brother of the respondent/wife working as a Manager in Mac-Donald. The petitioner is working in a private company which is under loss and his job is insecure. The petitioner has to look after his old aged parents and has to spent Rs. 30,000/- p.m. for their medical expenses. He prayed for rejection of application.

4] Under such circumstances following points arise for determination to which findings with reasons are as under :-

#### POINTS

#### FINDINGS

- 1 Whether the respondent/wife is entitled for alimony pendente lite



and expenses of the proceeding  
u/s36 of the Special Marriage Act,  
1954 ?

..... No.

2 What order ?

.. As per final order.

### REASONS

#### As to Point No. 1 & 2:-

5] Heard both the sides at length. Perused the record carefully. The relations in between the parties are not in dispute. It is not in dispute that petitioner and respondent married on 21-1-2014. It is not in dispute that petitioner/ husband is working in a private company while respondent/wife is working as permanent employee of State Bank of India.

6] It is argued by the Ld. Advocate for the respondent/wife that home take salary of the respondent is Rs. 17,674/-. On her request she was transferred to Pune as she married with petitioner, who resides at Pune. Due to conduct of the petitioner/ husband, she is not having roof or shelter. She will have to take small flat for which rent of Rs. 8000/- p.m. will require. Besides some handsome amount will also require for living expenses. It is not possible to stay and to manage living expenses at Pune in meager amount of Rs. 17674/-. The petitioner/ husband is earning Rs. 1,00,000/- per month and therefore, can easily provide interim maintenance of Rs. 40,000/- p. m. to her including



Rs. 50,000/- towards litigation expenses. She drew my attention towards the documents particularly to the salary slip of respondent/wife.

7] Per contra, the Ld. Advocate for the petitioner/husband drew my attention towards section 36 of the Special Marriage Act and argued that alimony *pendente lite* and expenses of the litigation can be granted to the wife who has no independent income sufficient for her support. He led stress on the words "*has no independent income sufficient for her support*". He drew my attention towards salary slip of respondent/wife and argued that her gross salary is Rs. 27,973/-. Her savings for provident fund, APF and for pension as reflected from pay slip is total Rs. 6113/-. She is also enjoying festival advance by making repayment of Rs. 2000/- p.m. She is having two wheeler and computer and repaying its loan amount to the tune of Rs. 881/- and 576/- p.m. She is permanent employee of State Bank of India. Nobody is dependent on her. She is also getting house rent allowance and therefore, she is having independent income sufficient for her support. He prayed for rejection of the application.

8] I have given mindful consideration to the submission and made close scrutiny of the material available on record.

9] The crux of the matter at this stage is as to whether respondent/wife is having independent income



sufficient for her support. *Alimony pendente lite* can be granted to a wife, who has no independent income sufficient for her support. Taking into consideration the scope of Section 36 of the Special Marriage Act we will have to consider the rival submissions of both the sides. Undisputedly, petitioner/husband serving in a private company while respondent/wife is a permanent employee of State Bank of India. She is serving at Pune itself. The salary slip of the respondent/wife for the month of June 2016 show her gross salary is Rs. 27,973/- p.m. and take home salary is Rs. 17,674/-. However, at the same time it is also to be taken into consideration that per months total savings of respondent/wife is to the tune of Rs. 6113/- towards P.F., Pension, etc. She is also enjoying amount of festival advance and making its repayment to the tune of Rs. 2000/- p.m. She is also having two wheeler vehicle and a computer for which she is making payment of Rs. 881/- and Rs. 576/- p.m. The respondent/wife being permanent employee of State Bank of India, getting house rent allowance from SBI. As she is a married lady, therefore, no question arises about dependency of her parental side on her income. Therefore, in a given facts and circumstances of the case, it is very difficult to believe that a permanent employee of State Bank of India is not in a position to maintain himself or herself from his or her salary. Besides being permanent employee, she must be having her own savings. The case in hand is a



clear case in which it can be certainly said that the respondent/wife has independent income sufficient for her support and necessary expenses of the proceeding. Thus, I find no force in the submission of Ld. Advocate for the respondent/wife.

10] In view of the reasons stated above, it is crystal clear that respondent/wife is not entitled for the alimony *pendente lite* and expenses of the proceeding under section 36 of the Special Marriage Act from the petitioner. Thus, I answer Points accordingly and pass following order -

**ORDER**

- 1] Application is rejected.
- 2] Costs in the cause.

Date - 20/8/2016

( M. R. Purwar )  
District Judge -16, Pune

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