## HIGH COURT OF JUDICATURE FOR RAJASTHAN BENCH AT JAIPUR

D. B. Civil Miscellaneous Appeal No. 5735/2019

Smt. Pinki @ Prachi

----Appellant

Versus

Viklesh @ Vikki

----Respondent

For Appellant : Ms. Anita Agarwal Advocate with Mr.

Laxmikant Advocate.

For Respondent : Mr. Neeraj K. Tiwari Advocate and Mr.

R.P. Garg Advocate.

## HON'BLE MR. JUSTICE MANINDRA MOHAN SHRIVASTAVA HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI

## Order

## 12/11/2021

Heard on prayer for grant of interim maintenance.

Prayer for interim maintenance pendete lite has been made by the appellant-wife stating that she is not earning anything and she has to maintain herself and her minor daughter aged 11 years, who is residing with the appellant. In the application and the rejoinder which has been filed, it is stated that the respondent-husband has no other liability and he is earning well and he is also having business located on the main road in the city of Jaipur.

On the other hand, learned counsel for the respondent would submit that the application has been filed suppressing the fact that the appellant, in another proceedings, was already awarded Rs. 5,000/- as maintenance. Learned counsel would submit that the business, which is being carried out by the respondent does not earn him well and he is hardly able to meet

two ends. According to him, respondent is earning meagre Rs. 10,000/- per month and nothing more. Learned counsel further submitted that the respondent has no property of his own but he lives in the joint family and shares everything.

Considering the submissions of learned counsel for the parties and taking into consideration that the appellant wife is not earning anything from any business, employment etc. and that she also has a minor girl aged 11 years and further taking into consideration that respondent carried on business in the city of Jaipur, this Court is inclined to grant Rs. 15,000/- as maintenance. However, considering that the appellant has already been awarded Rs. 5,000/- in another proceedings as monthly maintenance, respondent is directed to pay Rs. 10,000/- as monthly maintenance to the appellant-wife during pendency of the appeal.

Application No. 1/2021 is accordingly allowed.

List the appeal for final hearing.

(VINOD KUMAR BHARWANI), J (MANINDRA MOHAN SHRIVASTAVA), J

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