

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1025 OF 2015

PRADEEP VASANTRAO BADADE (KODITKAR) PETITIONER

VERSUS

RANJANA PRADEEP BADADE (KODITKAR) RESPONDENT

Mr.Sachin Awachar h/f Mr.K.M.Nagarkar, Advocate for the petitioner.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 09/02/2015

PER COURT :

1. The petitioner is aggrieved by the impugned order dated 12/12/2014, passed by the learned Civil Judge, Senior Division, Kopargaon, below Exh.47 in HMP No.50/2008.

2. Grievance is that in RCA No.40/2005 and RCA No.13/2010, the learned Appeal Court, by its judgment dated 25/08/2014. has directed the Trial Court to dispose of HMP No.50/2008. The order of maintenance awarded in HMP No.31/2002 was to remain in force till disposal of the petitions.

3. The respondent moved an application Exh.47 in HMP No.50/2008. By the impugned order, the petitioner was directed to

pay Rs.5,000/- per month to the respondent as an interim maintenance from 30/09/2014. Grievance is that the maintenance order to the extent of Rs.1,500/- passed in HMP No.31/2002 precludes the Trial Court from passing the impugned order. The petitioner is ready to pay Rs.1,500/- per month to the respondent.

4. Having heard the learned Advocate for the petitioner, I do not find that the impugned order could be termed as perverse or erroneous. The petitioner, prima facie, has been held to have a flower shop in Shirdi. He owns a vehicle Maruti Swift Dzire, which is used as a Taxi and he is said to be earning about Rs.90,000/- per month. The order passed in HMP No.31/2002 is only to the extent of payment of Rs.1,500/- per month.

5. The Trial Court has taken into account the two businesses of the petitioner and the fact that the respondent used to survive on Rs.1,500/- only. It is after assessing the monthly earnings of the petitioner that the Trial Court has found that he should pay Rs.5,000/- per month to the respondent so that she could satisfy her frugal needs of day to day life.

6. With due circumspection, I do not find that this petition deserves to be entertained. The impugned order, in my view, is sustainable and the petitioner is under an obligation to pay Rs.5,000/- per month to the respondent from 30/09/2014 till the decision in HMP No.50/2008.

7. Writ petition, being devoid of merit, is therefore, dismissed.

(RAVINDRA V. GHUGE, J.)