

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.6020 OF 2014

Suresh s/o Domaji Ankar

-vs-

Madhuri @ Sandhaya w/o Suresh Ankar & Anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Ms Shweta S. Bhawsagar, Advocate for petitioner.
Ms R. S. Dewani, Advocate for respondents.

CORAM : A.S.CHANDURKAR, J.
DATE : JULY 07, 2015

Heard.

Challenge in the present writ petition is to the order passed by the Family Court directing payment of interim maintenance of Rs.1200/- per month to respondent No.1 and Rs.800/- per month to respondent No.2 from 06/05/2013.

In proceedings filed under Section 18 of the Hindu Adoption and Maintenance Act, 1956, the present respondents had filed an application for grant of interim maintenance. In the application it was stated that the present petitioner is an agriculturist and hence an amount of Rs.10,000/- for respondent No.1 and an amount of Rs.5000/- for respondent No.2 was sought. This application was opposed by the present petitioner stating that he was working as a labourer and was earning a meagre amount. The trial Court by the impugned order directed interim maintenance to be paid

at Rs.1200/- per month for respondent No.1 and Rs.800/- per month for respondent No.2.

Learned counsel for the petitioner by relying upon the reply filed to the application for grant of interim maintenance submitted that the petitioner being a labourer, he could not be directed to pay maintenance of Rs.2000/- per month. It was further submitted that the petitioner was required to also look after his parents due to which it would not be possible for him to pay said amount of maintenance.

On the other hand, learned counsel for the respondents supported the impugned order and relied upon 7/12 extracts of field Gat No.22 to indicate that the present petitioner was earning from agricultural activities.

Considering the material that is available on record, it cannot be said that the trial Court by granting interim maintenance at Rs.1200/- per month for respondent No.1 and Rs.800/- per month for respondent No.2 has committed any error. Said amount does not appear to be exorbitant to warrant interference in writ jurisdiction. Hence there is no case made out to interfere in writ jurisdiction. Petition is therefore dismissed. No order as to costs.

JUDGE