

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 118 OF 2015

Kishor Bansidhar Hambarde & Ors. .. Petitioners

Vs.

Smita Kishor Hambarde & Ors. .. Respondents

.....
 Mr N. K. Tungar, Advocate for petitioners
 Mr R. J. Nirmal, Advocate for respondent No. 1

WITH

CRIMINAL WRIT PETITION NO. 160 OF 2015

Smita W/o. Kishor Hambarde & Ors. .. Petitioners

Vs.

Kishor Banshidhar Hambarde & Ors. .. Respondents

.....
 Mr R. J. Nirmal, Advocate for petitioner
 Mr N. K. Tungar, Advocate for respondents

CORAM : M.T. JOSHI, J.

DATE : 22/02/2016

ORAL ORDER:

. Heard both the sides in both the petitions.

2. Both the sides are aggrieved by the order of the learned Judicial Magistrate First Class, passed in an application for interim maintenance pending the main

proceedings under the Protection of Women from Domestic Violence Act.

3. The petitioner in Criminal Writ Petition No. 160 of 2015 i.e. the original applicant claimed maintenance at the rate of Rs. 85,000/- per month for herself and her two children.

4. It is an admitted fact that, during the pendency of the application in the Hindu Marriage Petition filed by the respondent in the present writ petition i.e. the petitioner in Criminal Writ petition No. 118 of 2015, interim maintenance was granted to her at the rate of Rs. 20,000/- per month.

5. Learned Judicial Magistrate First Class, after taking into consideration the financial capacity of the writ petitioner Kishor, granted additional maintenance in the proceedings under the provisions of the Protection of Women from Domestic Violence Act. The learned Sessions Judge in appeals by both the sides had confirmed the said order.

6. The learned Judicial Magistrate First Class as well as the learned Sessions Judge has taken into consideration the fact that, as per the provisions of Section 20(d) of the Protection of Women from Domestic Violence Act, interim maintenance, in addition to the maintenance granted in other proceedings, can be granted.

7. Both the courts below have taken into consideration the financial status of the writ petitioner Kishor and the orders came to be passed. In the circumstances, either the prayer of the petitioner – Smita for increasing the maintenance amount or of the petitioner – Kishor for setting aside the impugned order in entirety therefore cannot be accepted. In the circumstances, both the writ petitions are hereby dismissed without any order as to costs.

[M.T. JOSHI]
JUDGE

sgp