

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 141 OF 2016

1. Yogesh s/o Dilip Pagare,
Age: 32 years, Occ: Nil,
2. Dilip s/o Ranganathrao Pagare,
Age: 55 years, Occ: Govt. Service,
3. Shakuntala w/o Dilip Pagare,
Age: 50 years, Occ: Household,

All R/o. Plot No. 23, Gut No. 105,
Jhangira Hsg. Society, Near
Renukamata Temple, Satara Parisar,
Satara Parisar, Beed-Bypass,
Aurangabad.

...Petitioner

versus

Priyanka Yogesh Pagare,
Age: 24 years, Occ: Business,
Through Subhash Trimbrao Dandge,
R/o. Teachers colony, Sillod,
Dist. Aurangabad.

...Respondent

.....
Mr. R.F. Totala, Advocate for petitioner
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CORAM : N.W. SAMBRE, J.

DATE : 11th APRIL, 2016

ORAL ORDER :

Heard Mr. Totala, learned Counsel for the petitioner.

2. Pursuant to the provisions of the Protection of Women
from Domestic Violence Act, 2005, the petitioner was directed by

learned Judicial Magistrate, First Class, Sillod, by an order dated 02/05/2014 to pay compensation of Rs.1000/-, Rs.1000/- per month towards maintenance, Rs.1000/- per month towards rent and Rs.1000/- towards litigation expenses.

3. Feeling aggrieved thereby being *exparte* order, an appeal was preferred before learned Sessions Judge, Aurangabad being Appeal No. 165 of 2015. Learned Sessions Judge noted that the judgment of the Court below is *exparte* one and directed the payment of 50% maintenance. Against this order of learned Sessions Judge, Aurangabad dated 11/01/2016, present writ petition.

4. Two-fold contentions are raised by learned Counsel for the petitioner; (a) that the petitioner is unemployed person, whereas the respondent-wife is already employed and (b) that once the Court reached to the conclusion for the purpose of deciding the application with *exparte* order, the learned Sessions Judge should have granted blanket stay in the matter.

5. Having bestowed my thoughts to the submissions made, it is required to be noted that the qualification of the petitioner that he is engineer is not in dispute. What is sought to be canvassed before the Court is, he is unemployed.

6. Looking to the nature of the order passed by the Court below granting stay in favour of present petitioner, what is contemplated is, payment of Rs.500/- each, under the head of rent and maintenance.

7. In my opinion, no illegality could be noticed, particularly when the petitioner is already granted protection by the Court below. This petition is against the interim order, in my opinion, does not call for any interference. The writ petition fails and stands dismissed.

[N.W. SAMBRE, J.]