

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

WRIT PETITION NO. 11772 OF 2015
WITH
CIVIL APPLICATION NO. 4316 OF 2016

Deepak Haridas Tike ... Petitioner

Vs.

Kamalbai Deepak Tike ... Respondent

Mr. Tukaram M. Venjane, Advocate for the petitioner.

Mr. Amol Joshi, Advocate h/f. Mr. R.S. Deshmukh, Advocate for the respondent.

CORAM : SUNIL P. DESHMUKH, J.
DATE : 23-06-2016.

Per Court :

1. Heard learned counsel for the petitioner.
2. The petitioner, purportedly aggrieved by order dated 31-10-2015 passed by the Learned Joint Civil Judge Senior Division, Beed upon an application exhibit-81 granting (Rupees Five Thousand) maintenance in H.M.P. No. 125 of 2014 pending before the learned Joint Civil Judge Senior Division, Beed, is before this court.
3. Learned counsel for the petitioner makes various submissions including that out of the amount being received towards monthly salary around Rs.43,000/-, a lot of out go is on insurance policies. For said purpose he relies on some documents along with the civil application.
4. He further purports to submit that even education expenses of the child are being borne by the husband. His other

submissions are that at the instance of respondent the proceedings which were pending at Latur have been transferred to Beed and that an application for maintenance has been moved after a time lag of two years.

5. However, aforesaid submissions although are being made, what would be germane to be considered is the need of respondent and the capacity of the petitioner to pay. In the present case, although it is being contended that respondent no.1.is earning around Rs.12,000/- per month it also emerges that the said income is fluctuating and may not be a regular income. Further the respondent has to maintain the son and has to also bear the educational expenses.

6. In the circumstances, granting Rs.5,000/- per month does appear to be reasonable sum, the order granting maintenance being discretionary is not being interfered with. The writ petition is thus rejected. However proceedings pending between the parties be proceeded with expeditiously and be disposed of preferably within a period of six months from the date of receipt of this order. Writ petition disposed of. Civil application also disposed of.

(SUNIL P. DESHMUKH)
JUDGE