

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

CRIMINAL APPLICATION NO. 3174 OF 2015

Jitendra s/o Ramlingapaa Ambekar,
Age: 45 years, Occ: Self employed,
R/o. House No. 54, Nutan Varsha Colony,
Mohadi Road, Jalgaon,
Tq. & Dist. Jalgaon.

...Applicant

versus

Sau. Aruna w/o Jintendra Ambekar,
Age: 40 years, Occ: Household,
R/o. Kabra Nagar, Nanded,
Tq. & Dist. Nanded.

...Respondent

.....
Mr. S.R. Patil, Advocate for applicant
Mr. B.G. Deshmukh, Advocate for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 30th MARCH, 2016

ORAL ORDER :

The present application is by the husband, questioning the order of interim maintenance, passed by the Judge, Family Court, Nanded, on 27/04/2015 awarding Rs.3500/- per month as interim maintenance.

2. Learned Counsel for the applicant, while questioning the legality of the order, has made two-fold submissions; (a) that income of the present applicant is not considered while awarding

maintenance and (b) that there was no neglect on the part of the applicant.

3. It is not in dispute that learned Court of Civil Judge, Senior Division, Nanded in Hindu Marriage Petition No. 70 of 2014, by an order dated 11/02/2016 has granted divorce pursuant to the provisions of Section 13(1) and (1A) of the Hindu Marriage Act, 1955. The said divorce is granted on the count that the parties were not residing together for last two years. It is required to be noted that the applicant holds immovable property at Pune, for which, there is an injunction order passed against him in respect of said property. Taking cumulative effect of evidence that is brought on record and the fact that the applicant own property at Jalgaon and Pune and the fact that divorce is already effected, the order of interim maintenance as ordered, in my opinion, does not call for any interference. As such, the application fails and stands rejected.

[N.W. SAMBRE, J.]