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

CRIMINAL REVISION APPLICATION NO.176 OF 2015

Pallavi w/o Rajendra Dhadge ..APPLICANT

VERSUS

Rajendra s/o Keshav Dhadge & anr. ..RESPONDENTS

Mr N.V. Gaware, Advocate for applicant;
Mr A.V. Hon, Advocate for respondents

CORAM : N.W. SAMBRE, J.

DATE : 28th April, 2016

ORAL ORDER :

Heard.

2. Admittedly, the salary of respondent no.1 as is reflected in the salary slip for the month of January, 2015, is Rs.57,609/- and after deductions, it is claimed that the his take home salary is Rs.12,786/-.

3. Learned Counsel appearing on behalf of the applicant submits that the expenses/liability which has resulted into huge deduction from the salary of respondent no.1 – husband is self-created and there is no explanation what-soever from respondent no.1 – husband so as to infer that the applicant is not entitled for enhancement of interim maintenance as claimed through the present proceedings.

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4. While responding to the above referred submission, learned Counsel appearing on behalf of respondent no.1 claims that respondent no.1 being karta of the family was required to spend on the marriages of two younger brothers and their look after, which has resulted into the loan liability. He then would urge that even after the payment of Rs.5,000/- to the applicant, respondent no.1 is left with just Rs.7,786/- for his own expenses.

5. *Prima facie*, the submission made by the learned Counsel appearing on behalf of the applicant appears to be correct. The salary slip of respondent no.1 – husband of getting salary of Rs.57,609/- is not disputed. The liability of the interim maintenance is sought to be avoided on the ground that there are other liabilities.

6. *Prima facie*, I am of the opinion that the liabilities which have resulted into substantial deduction of around Rs.45,000/- from the salary of respondent no.1 – husband are artificial and self-created, so as to avoid the liability of payment of interim maintenance to the applicant.

7. Considering the salary of respondent no.1 – husband of Rs.57,609/-, in the circumstances of the present case, it will be appropriate to enhance the quantum of interim maintenance from Rs.5,000/- to Rs.10,000/- per month, from the date of complaint, i.e. 6th January, 2014 till final disposal of the complaint. Accordingly, respondent no.1 – husband is directed to pay interim maintenance of Rs.10,000/- to the applicant from

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the date of application for interim alimony, i.e. 6th January, 2014 till final disposal of the complaint.

8. Criminal Revision stands allowed in terms of above directions.

(N.W. SAMBRE, J.)

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