

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

CRIMINAL WRIT PETITION NO. 1424 OF 2015

Vitthal s/o Nanasaheb Aher,
Age: 33 years, Occ: Agri.,
R/o. Ganore (Pan Mala),
Tq. Akole, Dist. Ahmednagar.

...Petitioner

versus

Savita w/o Vitthalrao Aher,
Age: 26 years, Occ: Nil,
R/o. C/o. Badshah Karbhari Satpute,
Kasara Dumala, Tal. Sangamner,
Dist. Ahmednagar.

...Respondent

.....
Mr. R.L. Kute, Advocate for petitioner
Mr. Satyajeet S. Dixit, Advocate for respondent
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CORAM : N.W. SAMBRE, J.

DATE : 21st MARCH, 2016

ORAL ORDER :

Under the provisions of Protection of Women from Domestic Violence Act, Criminal Misc. Application No. 560 of 2014 came to be moved by present respondent, seeking maintenance and accommodation charges. Learned Judicial Magistrate, First Class, Sangamner, by an order dated 07/08/2015 directed present petitioner-husband to pay maintenance of Rs.3000/- per month to each of respondents i.e. wife and two children, total Rs.9000/- per month and Rs.3000/- towards accommodation charges.

2. The husband, feeling aggrieved thereby, approached learned Sessions Court, Sangamner through Criminal Appeal No. 25 of 2015.

3. The appeal is still pending and the order below Exhibit-5 came to be passed by reducing the amount of maintenance from Rs.9000/- per month to Rs.6000/- per month and Rs.2000/- towards accommodation charges.

4. The same is objected by learned Counsel for the petitioner-husband on the ground that those are exorbitant. He would submit that he is not in a position to honour the same, as in view of the bank loan, he was required to sell the land which was sole source of income. According to him, the order, if cannot be taken to its logical end, the Court should consider the prayer of the present petitioner for reduction of amount of maintenance.

5. Mr. Dixit, learned Counsel for respondent-wife and children would submit that since substantial appeal is pending, the Court should be slow in interfering with the interim order passed by the appellate Court.

6. Having regard to what has been submitted herein above,

it is required to be noted that the appellate Court has granted protection in favour of the petitioner thereby reducing the amount of maintenance and residential charges from Rs.12,000/- to Rs.8000/-.

7. The substantial appeal of the petitioner is pending.

8. In view of above, in my opinion, no case for interference in extraordinary jurisdiction, is made out. The petition, as such, fails, stands dismissed.

9. In the above referred background, it will be appropriate, in my opinion, to expedite the hearing of the Criminal Appeal No. 25 of 2015 pending on the file of learned Sessions Judge, Sangamner.

10. In view of above, interim relief stands vacated.

[N.W. SAMBRE, J.]