

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

912 WRIT PETITION NO. 236 OF 2016

PAVAN NARAYAN PALSE
VERSUS
DIPALI PAVAN PALSE

Shri. Ravindra J. Nirmal Advocate, for petitioner.

Shri. S.S. Panale, Advocate, for respondent.

CORAM: T.V. NALAWADE, J.

DATE : 27 SEPTEMBER 2016

ORDER:

1) The petition is filed to challenge the order made on Exhibit 11 in H.M.P. No.105/2014 by which the petitioner is directed to pay monthly maintenance of Rs.2500/- to the wife and order is made to pay Rs.2,000/- as cost of the proceeding which is filed under section 9 of the Hindu Marriage Act by the petitioner. Both the sides are heard.

2) It is the case of the wife that she has no source of income and she is not able to maintain herself and her son aged about 6 years. She has contended that the

husband is working in a company and he is getting Rs.10,000/- per month and so he is in a position to pay separate maintenance. The husband opposed the application by contending that he is not employed anywhere and he doing labour work to earn for livelihood. He has contended that he is required to maintain his old parents and unmarried sister.

3) After considering the rival contentions, the aforesaid order is made by the trial Court. Though at present there is no record with the wife to show that husband is making income of Rs.10,000/- per month, the fact remains that she is required to maintain herself and her son aged about six years. The son is studying in 1st Standard. Even labour makes income of more than Rs.4500/- per month these days considering the minimum wages fixed by the Government. If the petitioner is from labour class, all the members of the family must be working for their livelihood. Considering the prices of the essential commodities, the amount of Rs.2500/- per month is on lower side. This Court holds that it is not possible to interfere in the order made by the trial Court.

4) Learned counsel for the petitioner requested for giving direction to the trial Court to expedite the matter by submitting that he is interested to settle the dispute and take back the wife to the matrimonial house. In view of the submission made, the trial Court is directed to expedite the matter and in any case within six months from the date of receipt of the order. With these observations, the petition stands disposed of.

Sd/-
(T.V. NALAWADE, J.)

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