

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 107 OF 2016

SHRI. BABLO VASSU NAIK.

... Petitioner

Versus

SMT. LALAN NAIK AND 2 ORS.

... Respondent

Shri Hanumant D. Naik, Advocate for the Petitioner.

Coram:- C. V. BHADANG, J.

Date:- 22nd July, 2016

ORAL ORDER :

The interim order of maintenance by which the learned Magistrate had granted Rs.5,000/- per month to the wife and two daughters, has been enhanced by the learned Sessions Judge to Rs.7,000/- per month.

2. The learned Counsel for the petitioner submits that the maintenance could not have been enhanced. He submits that an ailing mother of the petitioner is dependent on him.

3. The learned Counsel has produced the latest salary slip of the petitioner for the month of June, 2016 which shows that the gross salary of the petitioner is Rs.37,178/- and after the deductions including towards bank loan the net carry home salary is Rs.19,649/-.

Thus, the amount of Rs.7,000/- is less than half of the carry home salary. The age of the daughters is said to be five years and seven

years. In these days of rising prices, the amount of Rs.7,000/- per month for the wife and two daughters cannot be said to be unreasonable. From the salary slip of the petitioner, it also cannot be accepted that he is unable to pay the said maintenance, even assuming that his ailing mother is dependent on him. That apart, the impugned order is only an interim order of maintenance and I see no reason to interfere with the same. Consequently, the petition is hereby dismissed.

C. V. BHADANG, J.

NH