

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 8764 OF 2014**

Mr. Suresh Dattatray Potkule

... Petitioner  
(Org. Applicant)

Vs

Shilpa Suresh Potkule

... Respondents  
(Org. Applicant)

...

Mr. Amar Bhatt for the petitioner.

**CORAM : M. S. SONAK, J.**  
**DATE :20 JANUARY, 2016**

**P.C. :**

1. The challenge in this petition is to the order dated 30.06.2014, by which the Civil Judge, Senior Division, Khed had awarded interim maintenance of Rs. 5,500/- per month to the respondent.

2. The learned counsel for the petitioner submitted that although the salary of the petitioner is indicated as Rs. 28,747/- per month, if, all deductions, included any particular deduction towards home loan are considered, the petitioner does not get more than Rs. 7,000/- in hand. The learned counsel for the petitioner submitted that the petitioner himself suffers from certain ailments and further, is required to maintain his aged parents. For all these reasons, he submitted that the award of interim maintenance is incorrect and on the higher side.

3. Having considered the contentions raised by the learned counsel for the petitioner, perused the record and the impugned order there is no case made out to interfere with the impugned order. The impugned order has taken into consideration, the salary drawn by the petitioner who stated to be working with Bharat Sanchar Neigam Limited. The interim maintenance awarded is virtually less than about 1/5<sup>th</sup> of the salary of the petitioner. Besides, it is only an interim determination. The final determination is yet to be made. Therefore, there is no case to interfere with the impugned order. However, it is clarified that the trial Court will not get influenced by the observation made in the impugned order or the circumstances that this petition has not been entertained, at the stage of determining the final maintenance amount. However, since the main petition appears to have been lodged in the year 2012, the trial Court is requested to decide the same as expeditiously as possible.

4. With the aforesaid observations, this petition is disposed of.

**(M. S. SONAK, J.)**