

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.4282/2016

Raju s/o Shaligram Bhagat

..VS..

Sau. Nitu w/o Raju Bhagat

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : 3.8.2016.

Heard Shri C.N. Wankhade, Advocate for the petitioner.

The order passed by the trial Court directing the petitioner to pay Rs.6,000/- per month towards interim maintenance is challenged. The contention of the petitioner is that the claim of the respondent No.1 - wife for interim maintenance is rejected by the trial Court in proceedings under Section 125 of the Criminal Procedure Code and, therefore, she is not entitled to claim amount of interim maintenance in proceedings going on before the Family Court. It is further submitted that the petitioner is already paying Rs.2,500/- per month towards maintenance for minor son and the respondents have not made out any case for enhancement of amount of maintenance.

The Family Court has recorded that the petitioner is working in M.S.E.D.C.L. and might be earning at least Rs.30,000/- per month. The petitioner has kept back his salary certificate from the Family Court and this Court. The findings recorded by the Family Court regarding income of petitioner cannot be faulted with. The son of the petitioner,

presently aged about 14 years, is admittedly living with the respondent No.1 - wife.

Considering the above facts, I am of the view that the Family Court has not committed any error. The impugned order does not require interference. Writ petition is **dismissed**. No costs.

JUDGE

Tambaskar.

CERTIFICATE

“ I certify that this Judgment/Order uploaded is a true and correct copy of original signed Judgment/Order”.

Uploaded By : N.V. Tambaskar.
Personal Assistant.

Uploaded On : 6.8.2016.