

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

WRIT PETITION NO.225 OF 2014

(Raju Sadashiv Shinde vs. Sau. Kamal Raju Shinde)

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Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

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Court's or Judge's Orders

CORAM : Z.A. HAQ, J.

DATE : 5th FEBRUARY, 2016.

Heard Shri V.B. Bhishe, learned Advocate for the petitioner-husband.

The order passed by the learned Magistrate directing the petitioner to pay Rs.4,000/- per month towards maintenance to the respondent-wife, is challenged. The contention of the petitioner is that he is paying Rs.4,000/- per month (Rs.2,000/- per month to the wife and Rs.2,000/- per month to the child) separately as per the order passed in the proceedings under the Protection of Women from Domestic Violence Act, and this fact has not been considered by the learned Magistrate while passing the impugned order. The learned Magistrate has considered the relevant aspects in paragraph Nos.4 and 5 of the impugned order and has recorded that the respondent-wife is maintaining two daughters, out of which, one is physically challenged. The learned Magistrate has also examined the financial capacity of the petitioner while determining the amount of maintenance.

Apart from this, this Court while considering the prayer of the petitioner for grant of interim order had accepted the statement made on behalf of the petitioner that he will be depositing an amount of Rs.10,000/- within two weeks from 17th January, 2014. The petitioner has not deposited the amount, though it was stated that the amount will be deposited within two weeks.

In view of the above, I see no reason to interfere with the impugned order.

The petition is dismissed. In the circumstances, the parties to bear their own costs.

Civil Application [CAW] No.131/2014 :

In view of disposal of the writ petition, the prayer for dispensing with filing of true translation of the documents in vernacular has become infructuous.

The civil application is disposed accordingly.

JUDGE

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