

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

WRIT PETITION NO.1100 OF 2016

Rameshwar s/o Pralhad Panchal (Bamnikar)

Age 31 years, Occ. Labour

R/o Adarsha Vasahat, S.No.165,

Malwadi, Hadapsar, Near Tuppe,

Pune - 28

... PETITIONER

VERSUS

Sou. Ashwini w/o Rameshwar

Panchal (Bamnikar), Age 26 years,

Occ. Household & Education.,

R/o C/o Gangadhar Dattatray Panchal &

Vishwanath Dattatray Panchal,

Pawannagar, Taroda (K.),

Behind Laxmi Saw Mill,

Malegaon Road, Nanded

... RESPONDENT

.....

Shri A.M. Gholap, Advocate for petitioner

Shri Gajanan Kadam, Advocate for respondent

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CORAM: S. B. SHUKRE, J.

DATED: 20th January, 2017.

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith and heard finally by consent of learned counsel for the parties.

2. The learned counsel for the petitioner has taken a serious objection to the quantum of the interim maintenance as well as maintenance granted to the children, as under Section 24 of the Hindu Marriage Act, no interim maintenance pendent lite

should be granted to the children. He also submitted that, the petitioner has no intention to deprive the children of any maintenance.

3. Learned counsel for the respondent has supported the interim order, contending that, it contains no such error as would require any interference by this Court in exercise of its writ jurisdiction.

4. I think, learned counsel for the respondent is right. If the total interim maintenance amount granted by the learned Judge of the Family Court works out to about Rs.200/- per day, and considering the present cost of living, I do not think that the quantum of maintenance so awarded pendent lite could be held to be so excessive and so unreasonable as would require any interference by this Court. It is well settled law that, this Court cannot use its extraordinary jurisdiction to correct every error of law or facts as long as there is no miscarriage of justice. I do not see any miscarriage of justice. The writ petition has no substance. Writ Petition is dismissed with costs. Rule is discharged.

(S. B. SHUKRE)
JUDGE