

**IN THE HIGH COURT OF BOMBAY AT GOA**

**CRIMINAL WRIT PETITION NO. 115 OF 2017**

MR. CHANDRASEKHAR SINGH., ... Petitioner  
Versus  
MASTER SOHAIL SINGH, REP. BY HIS  
MOTHER AND NATURAL GUARDIAN AND  
ANR., ... Respondents

Mr. Shailesh Redkar and Mr. Krishna M. N. Dessai, Advocates  
for the petitioner.

Coram:- C. V. BHADANG, J.

Date:- 19th July, 2017

P.C.

Heard Shri Redkar, the learned Counsel for the petitioner.

2. By this petition, the petitioner is challenging the order dated 14/02/2017 below Exhibit 7, by which, the learned Magistrate has granted interim maintenance of Rs.5,000/- per month in so far as the first respondent is concerned. The second respondent is the mother of the first respondent. The respondents have filed an application before the learned Judicial Magistrate, First Class, under Section 125 of Cr.P.C., claiming maintenance. It is contended by the respondents that the first respondent is the son of the petitioner and the second respondent. The petitioner has denied the paternity of the first respondent. The learned Magistrate, after considering the Birth Certificate, has prima

facie found that the first respondent is 'illegitimate son' of the petitioner. The learned Magistrate has noted that the petitioner (respondent before the learned Magistrate) is a businessman and in that view of the matter, has granted interim maintenance of Rs.5,000/-. The disputed question of paternity of the first respondent cannot be gone into in the present petition, much less when the petition arises out of an interim order. The petitioner will have to lead evidence before the learned Magistrate to establish his defence. All that the learned Magistrate has ordered, is payment of Rs.5,000/- per month as maintenance to the minor. I do not find that any case for interference is made out.

3. In the result, I decline to entertain the petition, which is, accordingly, dismissed. Needless to mention that the rival contentions of the parties are left open, which can be gone into by the learned Magistrate while deciding the application under Section 125 of Cr.P.C.

C. V. BHADANG, J.

SMA