

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

WRIT PETITION NO.4309 OF 2016

Pratibha Milind Lad : Petitioner.
versus
Milind Shankar Lad @
Mohamed Shamim Inamdar and anr. : Respondents.

Mr. Omkar Nagvekar i/by Ms. Prabha U Badadare for the Petitioner.

CORAM : R. M. SAVANT, J.
DATE : 30th January 2017

P.C.

1 The order dated 07/11/2016 passed by the learned District Judge-
2 and Additional Sessions Judge, Raigad Alibag is taken exception to by way of
the above Petition. By the said order the revision application filed by the
Respondent husband came to be allowed and resultantly the proceedings
relating to maintenance filed by the Petitioner wife i.e. the Maintenance
Proceeding No.126 of 2015 came to be remanded back to the learned JMFC,
Pen, District Raigad with a direction that opportunity be granted to the
husband to prove that the wife has sufficient means.

2 It seems that the matter had reached the Sessions Court in view of
the order dated 22/03/2016 passed by the learned JMFC, Pen by which order
the learned JMFC, Pen fixed interim maintenance at Rs.10,000/- per month.
The case of the Respondent herein that the Petitioner was working in a bank

was not accepted as the Petitioner had sought to contend that she had already been terminated by the bank. It seems that before the learned Sessions Judge, the Respondent husband pleaded that if an opportunity is given to him, he would be able to prove that the Petitioner is still working in a bank.

3 The learned Sessions Judge was of the view that if that be so, interim maintenance fixed at Rs.10,000/- was excessive and therefore whilst remanding the matter back to the learned JMFC, the learned Sessions Judge has fixed Rs.1000/- per month as payable to the Petitioner wife till the learned JMFC decides the matter.

4 In my view, no exception could be taken to the impugned order having regard to the facts as stated herein above. However, it would be just and proper to direct the learned JMFC, Pen to decide the application within a particular time frame. The learned JMFC, Pen is therefore directed to hear and decide the application for interim maintenance latest by 31/03/2017. With the aforesaid directions, the above Writ Petition is disposed of.

5 All concerned parties to act upon an ordinary copy of the instant order duly authenticated by the Court Associate/Sheristedar.

[R.M.SAVANT, J]