

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

WRIT PETITION NO. 11507 OF 2018

**SHIDHESHWAR VINAYAK PATIL
VERSUS
GAURI ALIAS SHITAL SIDDHESHWAR PATIL**

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Advocate for the Petitioner : Shri S. B. Choudhari

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 17th OCTOBER, 2018.

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PER COURT :

1. The petitioner is aggrieved by the order dated 01/09/2018 passed by the learned Principal Judge, Family Court, Dhule, by which, interim maintenance @ Rs. 3500/- per month is granted to the wife and Rs. 2500/- per month is granted to the son, with effect from 26/09/2017.

2. The learned Advocate for the petitioner has strenuously criticized the impugned order. He submits that he is a worker in a relative's hardware shop. His income is not disclosed to the Family Court, as well as, before this Court in the memo of the petition. The wife who has cohabited with the petitioner

and a son is born out of the wedlock, has stated in her application Exhibit 12 seeking interim maintenance that the husband is a dealer in hardware and his monthly earnings are about Rs. 70,000/- to 80,000/-.

3. The petitioner has contended that the wife is a cruel person. She has completed a Diploma in education and she takes tuition and earns about Rs. 10,000/- to Rs.20,000/-. He has stated that he is a labourer and has no means to provide even interim maintenance.

4. It is then stated that only the spouse can seek maintenance and any child born out of the wedlock would not be entitled for maintenance under Section 24 of the Hindu Marriage Act,1955.

5. Having considered the rival submissions emerging from the record and having considered the grounds for challenge formulated by the petitioner in the memo of the petition, I do not find that the impugned order could be termed as being perverse and erroneous or likely to cause gross injustice to the

petitioner.

6. This petition, being devoid of merit is, therefore, dismissed.

7. Needless to state, observations of this Court, as well as, of the Family Court in the impugned order are restricted to the grant of an interim maintenance.

(RAVINDRA V. GHUGE, J.)

shp/-