

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 846 OF 2018

MAHADEO SHIVAJI DARADE
VERSUS
AYODHYA MAHADEO DARADE

Advocate for Petitioner : Shri T.G. Gaikwad.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 23rd January, 2018

PER COURT :

1. The petitioner/husband is aggrieved by the order dated 10/08/2017, passed by the learned Civil Judge, Senior Division, Ambajogai, by which, amount of Rs. 3,500/- per month, as litigation expenses as well as interim maintenance has been granted by the Court in H.M.P. No. 46/2016, filed by the petitioner/husband seeking restitution of conjugal right.

2. Learned counsel for the husband has strenuously criticized the impugned order. He submit that he is willing to cohabit with his wife and save the marriage. The respondent/wife can come back to the marital house any time. His financial condition is weak and cannot pay Rs. 3,500/- per month to the respondent, who is working as a nurse in a private hospital, Ambajogai and earning about Rs. 6,000/- per month.

3. I have gone through the petition paper book with the assistance of the learned advocate.

4. It is noticed that besides the statement that the respondent is working as a nurse, the petitioner has not brought on record any such document which would indicate that the respondent is actually in employment and drawing a monthly salary. As against that, the respondent/wife brought on record the documents maintained by the revenue authorities to indicate that the petitioner has irrigated lands in block No. 178 Adm. 2 Hectors and 50 Ares and in block No. 80 Adm. 1 Hector 48 Ares. His income is about four to five lakhs per year. 7/12 extracts have been placed on record.

5. Considering the above and the fact that the Trial Court has granted Rs. 3,500/-, towards litigation expenses and interim maintenance, I do not think that the impugned order could be termed as being perverse or erroneous. This petition being devoid of merit, is therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

S.P.C.