

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 4851 OF 2017**

Ramesh Malhari Bhalerao

....Petitioner.

Vs.

The State of Maharashtra & Ors.

....Respondents.

Mr. Nitesh Nevshe and Mr. Vilas Gawai for the Petitioner.

Mr. A.R. Patil APP, for the Respondent-State.

Mr. P.V. Nelson Rajan a/w Mr. Aarti Kalekar for the Respondent No.2.

CORAM : A. S. GADKARI, J.

DATE : 24th SEPTEMBER, 2018.

P.C.:-

By the present Petition, the Petitioner has impugned interlocutory Order dated 28th July, 2016, passed below Exhibit 1 in M.A. No. 53 of 2016 by Judicial Magistrate, First Class, 4th Court Vashi, Navi Mumbai filed under Section 23 of the Protection of Women From Domestic Violence Act, 2005 by the Respondent No.2, thereby granting interim maintenance of Rs.10,000/- per month to the Respondent No.2. The learned Judicial Magistrate, First Class, 4th Court Vashi, while passing interim relief has taken into consideration, the pleadings of the Respondent No.2 and other documents.

The main Application filed under Section 12 under the

said Act, is still pending for final adjudication before the learned Judicial Magistrate, First Class, Vashi.

2 Mr. Nevshe, the learned counsel appearing for the Petitioner submitted that, the learned Magistrate did not take into consideration the various aspects such as, total income of the Petitioner, educational qualification of the Respondent No.2 and other incidental circumstances, which would entail the concerned Court to award such a maintenance to Respondent No.2.

3 As noted earlier, the main Application under Section 12 of the said Act, filed by the Respondent No.2 is still pending for final adjudication before the concerned Court and the Petitioner is at liberty to raise his contention at the time of final hearing of the same.

4 Petition being devoid of any merits, is accordingly dismissed *in limine*.

(A.S. GADKARI, J.)

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Mashalkar

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