

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 757 OF 2016.

(AJABRAO @ AJAY UKUNDRAO SAWAI...VS.. SAU. SUSHILA AJABRAO @ AJAY SAWAI & ANR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.Y.Wadodkar, Advocate for Petitioner.
Shri U.J.Deshpande, Advocate for Respondents.

CORAM : Z.A.HAQ, J.
DATED : AUGUST 29, 2018.

Heard.

2. By this petition the petitioner has challenged the order passed by the Family Court directing the petitioner to pay amount of Rs.Five Thousand per month to the respondents as interim maintenance till the application filed by the respondents under Section 125 of the Code of Criminal Procedure is decided.

3. The learned advocate appearing for the petitioner has submitted that the respondents have not placed any material on record to establish that the petitioner is earning about Rs.35,000/- to Rs.40,000/- per month and the finding recorded by the Family Court on this point is perverse. It is further submitted that though the petitioner is a medical practitioner, he is suffering from ailments and therefore, he is not practicing regularly and he is not earning enough to pay the maintenance to the respondents as directed by the Family Court.

4. The petitioner has not brought any evidence on record to substantiate the contention that he is suffering from ailments and is not practicing regularly. Considering the fact that the petitioner is admittedly a qualified medical practitioner, I see no reason to interfere with the impugned order directing the petitioner to pay Rs.Five Thousand per month to the respondents towards interim maintenance.

The writ petition is **dismissed**.

JUDGE

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