

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

WRIT PETITION NO.13787 OF 2019

PRAVIN SOPANRAO GAIKWAD
VERSUS
VANDANA PRAVIN GAIKWAD

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Advocate for the Petitioner : Shri Rakh Arun V.

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CORAM: RAVINDRA V. GHUGE, J.
DATE :- 18th November, 2019

Per Court:

1 The petitioner/ husband is aggrieved by the order dated 09.08.2019 passed by the learned Family Court, Latur by which, the respondent/ wife has been granted maintenance at the rate of Rs.9000/- per month till the repayment of home loan of the ICICI Bank.

2 The learned advocate for the petitioner has strenuously criticized the impugned order and draws my attention to the grounds formulated in the memo of the petition. He submits that his monthly salary is Rs.49891/- in his capacity of being an Agricultural Supervisor working in the office of the Additional Agricultural Officer, Aurangabad. He is suffering from many ailments and he is unable to pay Rs.9000/- to his wife. He further submits that the wife is employed with a Primary School and she is earning Rs.47,000/- as monthly salary. He submits that he has filed the proceeding for restitution of conjugal rights and he wants

to save the marriage.

3 I find from the record that the petitioner had once compromised with his wife after she returned back home post the first episode of she having been driven out of the home. A written assurance was given by the petitioner that he would treat his wife properly, with dignity and would not abuse her. The wife was compelled to leave the marital home for the second time on account of the petitioner's addiction to liquor and his repeated physical assaults and abuses.

4 The record also reveals that the couple purchased a flat jointly and the wife has to pay a monthly installment of Rs.9900/- towards the loan repayment of the said flat. Though she is driven out of the home for the second time after the second episode of physical abuse and assault, she has to continue to pay Rs.9900/- towards the equated monthly installment (EMI) of the flat.

5 Considering the above, I do not find that the impugned order could be branded as being perverse or erroneous or grossly unjust. By the impugned order, the petitioner/ husband is directed to pay Rs.9000/- to the wife till her payment of the home loan is satisfied. Such an equitable order does not call for an interference. This Writ Petition being devoid of merit is, therefore, dismissed.