

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**WRIT PETITION NO.2531 OF 2019**

Mr. Aniket Anand Pawar                      ....      Petitioner

Vs.

Mrs. Ruchita Aniket Pawar & Ors.      ....      Respondents

Smt. Veena J. Kamble for Petitioner  
Mr. Ajit M. Savagave for Respondents.  
Ms. P.N. Dabholkar, APP for State.

**Coram : NITIN W. SAMBRE, J.**

**Date : 30<sup>th</sup> January, 2020**

P.C.:

1.            The learned counsel for the petitioner, on instructions, submits that in compliance with the last order, the petitioner is willing to deposit an amount of Rs.90,000/- in this Court by tomorrow. The petitioner is present in the Court. Since the statement is made on instructions, the same is accepted as an undertaking. The petitioner is permitted to deposit an amount of Rs.90,000/- as undertaken.

2.            The respondent-wife will be at liberty to withdraw the amount deposited.

3. The learned Magistrate in a proceeding initiated by the respondent-wife under the provisions of D.V. Act ordered maintenance of Rs.4,000/- and additional Rs.4,000/- towards accommodation expenses, which was modified in appeal under Section 23 of the D.V. Act by reducing the amount of accommodation expenses to Rs.2,000/-.

4. The petitioner-husband feeling aggrieved preferred this petition.

5. The contention of the counsel of the petitioner is, the petitioner is a self employed and though he earns very meager income, he is ready and willing to maintain his wife. According to him, the respondent-wife is resident of Mumbai and presently staying with her parents. He would further urge that there is independent source of income, as the respondent is practising profession of beautician.

6. While countering aforesaid submissions, the learned counsel for the respondent-wife would urge that the petitioner has neglected to maintain the respondent as the petitioner is in habit of not

attending family duties his routine conduct creates serious doubt that the petitioner has some extra marital affair. According to the respondent, even if the respondent has taken training of beautician, still her earning from such profession is not sufficient to maintain herself. As such, she is forced to stay with her parents.

7. Having appreciated rival submissions, it is not in dispute that the petitioner is self employed person, as such his average income is around Rs.12,000/- to Rs.16,000/- per month i.e. Rs.300/- to Rs.400/- per day.

8. In the aforesaid background order of award of interim maintenance of Rs.4,000/- per month is very much justified.

9. As the respondent-wife is staying with her parents and it is not her case that she intend to stay independently or her parents are incurring expenses towards the rent, the order of award of accommodation charges, in my opinion, is not justified. As such, the order of maintenance of Rs.4,000/- per month is confirmed, whereas, the order of award of accommodation charges of Rs.2,000/- per month is quashed and set aside.

10. It is, however, clarified that the petitioner will be liable to pay accommodation charges till this date of the order.

11. In response to the Court query, the petitioner submits that he shall clear entire arrears of maintenance within a period of four weeks from today, which statement is accepted as an undertaking.

12. Let the entire amount be deposited in the Court of Magistrate within four weeks from today, to which the respondent-wife will be entitled to withdraw.

13. The petition is partly allowed.

( NITIN W. SAMBRE, J. )