

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

Writ Petition No.8038 of 2019
Nitin Meshram Vs. Sapna Meshram

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

Court's or Judge's orders

Mr. R.R. Prajapati, Advocate for the petitioner
Ms. Surekha Borkute, Advocate for the respondent

CORAM : MANISH PITALE, J.

DATED : FEBRUARY 04, 2020

By this writ petition, the petitioner has challenged orders dated 22/08/2019, passed by the 2nd Jt. Civil Judge (Senior Division), Nagpur, below Exhs.13 and 14 in H.M.P. No. 270/2018, whereby the application filed on behalf of the respondent and minor child for grant of maintenance *pendent lite* were allowed by directing the petitioner to pay interim maintenance @8000/- per month to the respondent - wife and @5000/- per month to the minor child.

2. The learned counsel for the petitioner submits that the amounts granted by the Court below are exorbitant, considering the salary earned by the petitioner in his present job.

3. A perusal of the impugned orders show that the Court below has taken into consideration the gross salary of the petitioner as well as take home salary after deductions and it is found that the grant of the

aforesaid amounts towards interim maintenance to the wife and minor child would be in the interest of justice.

4. The learned counsel for the petitioner alongwith pursis dated 09/01/2020, placed on record salary slip of the petitioner. A perusal of the said material shows that the Court below has correctly taken into consideration the total monthly salary received by the petitioner as well as take home salary. It appears that apart from deductions towards PF and pension contribution as well as taxes, there are certain deductions made in the salary of the petitioner towards festival advance, Co-operative society loan, etc.

5. The material on record indicates that the Court below has taken a reasonable view and the quantum of interim maintenance granted to the wife and minor child is after taking into consideration the income of the petitioner. In the present writ petition, it is not demonstrated how the approach adopted by the Court below can be said to be unsustainable.

6. In view of above, there is no merit in the present writ petition and accordingly, it is dismissed.

7. The petitioner is granted time till 30th April 2020 to clear all arrears in terms of impugned orders passed by the Court below.

8. The petitioner is further directed to pay interim maintenance to the wife and minor child in terms of impugned orders from March 2020 onwards regularly.

9. In the facts and circumstances of the present case, the Court below is directed to dispose of the divorce petition filed by the petitioner bearing H.M.P. No. 270/2018, as expeditiously as possible and in any case within a period of one year from today.

JUDGE

MP Deshpande