

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

912 CRIMINAL WRIT PETITION NO.1179 OF 2018

SHARDA W/O. SHARAD SAHANE AND ANR ..PETITIONERS
VERSUS
SHARAD S/O. UTTAMRAO SAHANE ..RESPONDENT

...
Advocate for Petitioners : Mr. R.V. Gore
Advocate for Respondent : Mr. A. M. Gholap
...

CORAM : N.R. BORKAR, J.
DATE : 26.11.2021

PER COURT :-

This Writ Petition takes an exception to the order dated 18.06.2018 passed by the learned Additional Sessions Judge, Aurangabad in PWDVA Appeal No. 86 of 2017.

2. The petitioner herein had filed the application under the provisions of Protection of Women From Domestic Violence Act for various reliefs. The application for interim maintenance was moved by the present petitioners. The learned Magistrate, by order dated 27.02.2017, directed the present respondent to pay amount of Rs. 5,000/- per month to the petitioners as interim maintenance.

3. The appeal was filed against the said order by the

present respondent. The learned Appellate Court, by the order impugned, has reduced the amount of interim maintenance from Rs. 5000/- to Rs. 2500/-.

4. I have heard the learned counsel for the petitioners and learned counsel for the respondent.

5. Admittedly, the main application filed by the present petitioner is pending before the learned Magistrate. The learned counsel for the respondent submits that, respondent is willing to pay interim maintenance at the rate of Rs. 3000/- to the petitioners.

5. Considering these facts and circumstances there is no point in examining the order impugned on merits after three years especially when it is in relation to interim maintenance and main application is still pending. Instead the learned Magistrate can be directed to decide the main application expeditiously.

6. The respondent shall pay the interim maintenance to the petitioners at the rate of Rs. 3,000/- per month.

7. The learned Magistrate shall endeavour to decide the

PWDVA Application No. 153 of 2016 as early as possible, and in any case, within nine months from the date of receipt of the copy of this order.

8. Petition is disposed of in above terms
9. Record and proceedings be sent back to the trial Court.

(N. R. BORKAR)
JUDGE

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