

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

47 CRIMINAL WRIT PETITION NO.1684 OF 2020

Manoj s/o Shashibhushan Sing,
Age 30 years, Occ. Private Service,
R/o. Sambhaji Colony, 14/1, N-6,
CIDCO, Aurangabad.

... **Petitioner.**

VERSUS

Anupriya w/o Manoj Sing,
Age 22 years, Occ. Household,
R/o. Kasari Building, Near Taper
House, Opp. Post Office, Kacheri
Road, Jalna, Dist. Jalna.

... **Respondent.**

...

Advocate for Petitioner : Gaikwad Chaya E.

Advocate for Respondent : Mr. S.E. Siddiqui.

CORAM : MANGESH S. PATIL, J.

DATE : 08.02.2021.

ORAL JUDGMENT :

Heard. Rule. The Rule is made returnable forthwith. With the consent of both the sides the matter is heard finally at the stage of admission.

2. The husband is before this Court being aggrieved and dissatisfied by the order passed by the learned Judge of the Family Court directing him to pay to the respondent-wife Rs. 3000/- per month from the date of the application as an interim maintenance.

3. Learned advocate for the petitioner would submit that though the arguments of both the sides were heard before the pandemic, the impugned order was passed during pandemic. There were supervening circumstances. The petitioner lost his job and the order directing him to pay interim

maintenance causes hardship to him. It would be appropriate if the Family Court decides the matter finally. The petitioner would cooperate the Court.

4. On facts, the learned advocate for the petitioner would submit that the respondent had never cohabited with the petitioner. Immediately after the marriage she had left matrimonial home and had gone back to the parental house. All these facts would be decisive and can only be brought on record during final hearing. The impugned order therefore be quashed and set aside.

5. The learned advocate for the respondent opposes the request.

6. I have carefully gone through the impugned order. There is no dispute about existence of matrimonial relations.

7. There are specific observations to demonstrate that the petitioner was earning Rs. 10,000/- per month. He had specifically admitted the figure of his such salary in paragraph No. 19 of his say filed in the main proceeding.

8. Taking a pragmatic view the learned Judge of the Family Court seems to have fixed the interim maintenance at the rate of Rs. 3000/- per month against the petitioner's salary of Rs. 10,000/- The order cannot be said to be either perverse or arbitrary which would enable this Court to intervene in exercise of Writ jurisdiction.

9. There is no merit in the Writ Petition and it is dismissed.

10. Rule is discharged.

(MANGESH S. PATIL, J.)

mkd/-