

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**21 CRIMINAL WRIT PETITION NO.1265 OF 2021
WITH WP/1828/2019**

**SARASWATI W/O. MAROTI ROKADE
VERSUS
MAROTI BABURAO ROKADE AND OTHERS**

Mr. Shivsamb N. Janakwade, Advocate for the
petitioner
Mr. Mahadeo Andhale, Advocate for the respondent
Nos. 1 to 3

CORAM : N. R. BORKAR, J.

DATE : 13-12-2021

P. C.

. Both the petitions are filed against one and the same order dated 19-09-2019 passed by the learned Additional Sessions Judge, Parbhani in PWDVA Appeal No. 7 of 2014.

2. The wife alongwith her two daughters had filed an application under the provisions of Protection of Women From Domestic Violence Act. The learned Magistrate directed the husband to pay an amount of Rs.2000/- to the wife and Rs. 1,000/- each to the daughters. The wife had filed the appeal against the said order of the learned Magistrate and

sought enhancement of maintenance amount. The learned Sessions Court directed the husband to pay an amount of Rs. 5,000/- to the wife and Rs. 2,500/- each to the daughters. The husband has filed writ petition No. 1265 of 2021, questioning the order of sessions court enhancing the amount of maintenance, whereas the wife has filed the writ petition No. 1828/2019, claiming further enhancement.

3. The learned counsel for the husband submits that the learned appellate court had passed the order without hearing the husband or his Advocate. It is submitted that the order impugned thus needs to be set aside and the matters need to be remanded back to the appellate court.

4. The learned counsel for the wife has tendered salary slip of the husband who is working as Teacher. It appears from the salary slip that the salary of husband in July-2018, was 53,251/-.

5. Admittedly, the husband has not challenged the order of learned Magistrate questioning the grant of maintenance to the wife and daughters. Considering the fact that in the month of July, the

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salary of the husband was Rs. 53,251/-, I am not inclined to interfere with the order of appellate court.

6. I am also not inclined to entertain the petition filed by the wife for enhancement of maintenance. The wife is however permitted to file an application for enhancement of maintenance before the learned Magistrate. If such application is filed the learned Magistrate shall decide the said application on its own merits.

7. Both the petitions are dismissed.

[N. R. BORKAR, J.]

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