

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

WRIT PETITION NO.625 OF 2020

Vishwanath Dattatraya Chavan Petitioner

Vs.

Lata Vishwanath Chavan & Ors. Respondents

Mr. Anvil S. Kalekar for Petitioner.

Mr. Shashank C. Mangle i/by Hamid D. Mulla for Respondents

Mrs. Rutuja Ambekar, APP for State.

Coram : NITIN W. SAMBRE, J.

Date : 15TH NOVEMBER, 2021

P.C.:

1. The Family Court, Solapur awarded interim maintenance of Rs.7,000/- per month to the Respondent-wife and Rs.5,000/- per month to each of the child. As such, the total maintenance awarded per month is Rs.17,000/-.

2. While assailing the impugned order, the contention of the learned counsel for the Petitioner-husband are, the lawyer, who was

appointed to conduct the case before the Family Court failed to remain present and as such the order came to be passed without considering actual net income of the Petitioner.

3. It is further claimed that the Respondent-wife has sought enhancement based on increase in the income of the Petitioner-husband. The impugned order, which was passed without properly assessing income of the Petitioner will also adversely impact the enhancement proceedings, and as such it is prayed that the order be set aside and fresh opportunity of hearing be granted.

4. The impugned order is supported by the Respondent-wife based on Salary Certificate.

5. Considered submissions.

6. From the record, it can be easily inferred that average monthly gross income of the Petitioner-husband was around Rs.50,000/- and as such the Family Court was justified in awarding the

maintenance of Rs.7,000/- to the Respondent-wife and Rs.5,000/- per month each to the children.

7. In the wake of above, particularly having regard to the monthly income, the quantum and expenses which shall be incurred by the Respondent-wife, in my opinion, award of interim maintenance of Rs.7,000/- and Rs.5,000/- to the wife and children respectively appears to be well justified.

8. No interference is called for. The Writ Petition as such stands rejected.

(NITIN W. SAMBRE, J.)