

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

Criminal Writ Petition No. 313 of 2021

Sheshrao Ramdas Ingle

Vs.

Smt. Priti Sheshrao Ingle and Another

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

Court's or Judge's orders

Dr. (Mrs.) R.S. Sirpurkar, Advocate for the petitioner
Mr. Mahesh Rai, Advocate for the respondent No.1
Mr. S.D. Sirpurkar, APP for the respondent No.2

CORAM : MANISH PITALE, J.

DATED : AUGUST 09, 2021

Heard learned counsel for the rival parties.

2. The petitioner is aggrieved by an order passed by the Judicial Magistrate First Class, Balapur, whereby he has been directed to pay monthly interim maintenance of Rs.15,000/- to the respondent during pendency of her application filed under the provisions of the Protection of Women from Domestic Violence Act, 2005 (D.V. Act). There is also a direction given to the petitioner to hand over custody of the minor son to the respondent No.1.

3. It is contended on behalf of the petitioner that the direction to pay Rs.15,000/- per month is

on the higher side and that the emoluments received by the petitioner even during relevant period do not justify such a direction. It is further pointed out that from May 2021, the petitioner has taken voluntary retirement, as a consequence of which his emoluments have been reduced drastically to about 1/3rd and that this aspect needs to be considered by the Court.

4. The learned counsel appearing for the petitioner admits to the fact that as on today the petitioner is in arrears of an amount of Rs.1,20,000/-, in terms of the direction given by the Magistrate. It was also admitted that he was in arrears of amount towards direction to pay Rs.2500/- per month in another proceeding initiated by the respondent No.1.

5. It is further submitted that the minor son has continued in the custody of the petitioner and that considering that he is undergoing school education and he is emotionally attached to the petitioner, direction to handover the custody of the minor son to the respondent No.1 deserves to be stayed.

6. The learned counsel appearing for the respondent No.1 submits that the impugned orders are based on proper appreciation of evidence and

material on record and the Petition deserves to be dismissed.

7. Considering the contentions raised on behalf of the rival parties, it is appropriate to fix this matter for final disposal. In the meanwhile, the petitioner is directed to deposit a sum of Rs.75,000/- (Rs. Seventy Five Thousand) towards part payment of the arrears before this Court. The said amount shall be deposited by the petitioner within a period of six weeks from today. The respondent No.1 shall be entitled to withdraw the amount upon such deposit.

8. List this Petition for final disposal on **22nd September 2021.**

9. It is made clear that if the petitioner fails to deposit the said amount within the stipulated period of time, the Writ Petition shall stand dismissed without reference to the Court.

10. In the meanwhile and till the next date of listing, there shall be interim stay of the direction given by the Magistrate to handover interim custody of the minor son Rajveer to the respondent No.1.

JUDGE