

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Criminal Writ Petition No. 130 of 2020

(Shri Tejrao S/o Ganeshrao Hingawe ..vs.. Sau. Chandabai W/o Tejrao Hingawe)

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

Court's or Judge's orders

Mr S. I. Khan, Advocate for the petitioner
Mr Bhojraj Dhandale, Advocate for respondent

CORAM : ROHIT B. DEO, J.

DATED : 14-01-2021

Heard.

2. The petitioner Mr. Tejrao is the respondent in Petition (E) 587/2018 preferred by his wife Mrs. Chandabai seeking maintenance under Section 125 of the Code of Criminal Procedure, 1973.

3. The backdrop of the order impugned dated 12-12-2019 which directs Mr. Tejrao to pay Mrs. Chandabai Rs. 10,000/- per month as interim maintenance is that Mr. Tejrao sought adjournment. The learned counsel for Mrs. Chandabai objected to adjournment and pointed out that the application for interim maintenance is pending since November, 2018. The learned Judge of the Family Court noted that Mr. Tejrao is seeking time to file reply to the application for interim maintenance on one pretext or the other and, therefore, an order of maintenance is imperative, on ad-hoc basis.

4. The learned Judge then noted that according to Mrs. Chandabai, the gross salary of Mr. Tejrão is Rs. 42,000/- per month. It is clear from the order impugned that the monthly maintenance of Rs. 10,000/- which is directed to be paid to Mrs. Chandabai is purely on ad-hoc basis and is subject to modification or alteration after hearing the parties on merits.

5. I do not find any error whatsoever in the impugned order.

6. Indeed, the learned Judge was sensitive, as a Judge is expected to be, to the needs and aspirations of an aggrieved woman and the purpose of the beneficial legislation.

7. The petition is dismissed with the observation that if the entire arrears of the ad-hoc maintenance is deposited by Mr Tejrão, the learned Judge shall decide the quantum of interim maintenance finally after hearing the parties. The final decision shall be rendered within 30 days of Mr. Tejrão making the payment of the entire amount of arrears.

8. It is made clear that Mrs. Chandabai is at liberty to withdraw the amount of Rs. 75,000/- deposited by Mr. Tejrão in this Court.

9. The Registry shall not insist on any security since the amount which is deposited is the part of ad-hoc maintenance.

10. The petition is dismissed.

JUDGE

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