

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 974 OF 2022

SAYYAD NISAR S/O SAYYAD GAFFAR

VERSUS

MARYAM @ GUDIYA D/O SAYYAD NISAR U/G OF MATERNAL GRAND
MOTHER, TASLIM KAUSAR W/O MOHAMMAD IDREES

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Advocate for Petitioner : Mr. Khan Faij J.

Advocate for Respondent : Mr. Jangada Suyashkumar S.

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CORAM : KISHORE C. SANT, J.

DATE : 21st NOVEMBER 2022.

Per Court :

1. By way of present petition, the Petitioner is challenging the order dated 09.06.2022 passed by the learned Family Court, Parbhani, directing the Respondent (Petitioner herein) to pay interim maintenance to his minor daughter @ Rs. 10,000/- per month from the date of application.

2. The Petitioner submits that due to some bonafide reasons, he could not remain present before the Family Court, at Parbhani and the

order is passed in his absence. Learned Advocate for Petitioner submits that this Petitioner is a Rickshaw Driver and therefore he is not in a position to pay such a huge amount towards maintenance. He restricts this petition only to extent directing the trial Court to expedite the matter and disposed off as early as possible.

3. Learned Advocate for Respondent points out that till now, the Petitioner has not paid any amount towards the maintenance. He states that this order is only by way of interim arrangement and not a final order. Therefore Writ Petition deserves to be dismissed.

4. This Court therefore finds that it would be desirable to entertain petition only to the extent of directing the trial Court to expedite the matter. This Court finds that instead of setting aside the order, it would be desirable only to modify the order to reduce grant of interim maintenance. The Petitioner voluntarily offers to clear all the dues by depositing 50% amount before the Family Court. However out of the arrears i.e. Rs.1,80,000/-, it would be desirable to direct the Petitioner at least to deposit Rs.1,00,000/- towards arrears and to continue to pay

amount of Rs.7000/- per month to his daughter hereinafter. Hence the following order.

ORDER

- (i) The Petitioner shall deposit of Rs.1,00,000/- towards arrears within four weeks in the Family Court at Parbhani and he will continue to pay amount of Rs.7000/- per month instead of Rs.10,000/- to his daughter. The trial Court shall make an endeavor to dispose off the proceeding of P.E. No.252/2020 pending before it as per as possible within a period of six months.
- (ii) With this, the Writ Petition is disposed off.

[KISHORE C. SANT, J.]

Najeeb.