

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1377 OF 2022

Sachin Shivram Kumbhar

.. Petitioner

Versus

Kalpana Sachin Kumbhar

.. Respondent

Mr. Sandesh R. Patil, Advocate for the Petitioner.

Mr. Govind B. Chate, Advocate h/f Mr. Sandip R. Andhale, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATED : 05th DECEMBER, 2022.

P C. :-

1. Heard learned advocates for both the parties.
2. The petitioner has filed this petition challenging the judgment and order dated 30.08.2022 passed by the learned Sessions Judge in Criminal Appeal No. 39/2021 arising out of interim order passed by the learned J.M.F.C., Raver directing the petitioner to pay Rs. 10,000/- to respondent towards interim maintenance in P.W.D.V.A. No. 50/2021. The learned J.M.F.C. has passed this order as in spite of several chances the petitioner did not file his say or written statement. Thus, the order came to be passed on 15.12.2021. Before the Appellate Court, the petitioner submitted personal information relating to him wherein, he

has stated that his income is only Rs. 25,000/- (Rs. Twenty Five Thousand only) per month. He is working as Junior Structural Engineer in a private company at Vikroli, Mumbai. It is his specific case that due to some reason he could not appear before the learned J.M.F.C. and therefore, could not put his say before the Court. However, it was necessary for the Appellate Court to consider the information supplied by him and ought to have reduced the quantum of the amount towards interim maintenance.

3. Learned advocate for respondent submits that in spite of several chances, the petitioner did not appear before the Court of learned J.M.F.C., Raver. It was necessary for him to put his say or written statement before that Court. The learned Sessions Judge has rightly considered all the aspects and dismissed the appeal and no interference is warranted.

4. Considering the fact that, it is only an interim arrangement, this Court does not find it necessary to interfere with the order more so, when the petitioner did not file his say or written statement before the Trial Court. Even considering the amount of Rs. 10,000/- (Rs. Ten Thousand only), this Court does not find it to be unreasonable or exorbitant amount. Though it is tried to be submitted by producing copies of photographs on record that respondent is working as a

teacher and she is also earning, however no any proof of income as such is produced on record.

5. Considering all above aspects, this Court finds that there is no merit in the petition and hence, the petition deserves to be dismissed.

6. The writ petition is dismissed.

7. At the outset, a request is made to direct the Trial Court to expedite the main proceedings.

8. The Trial Court shall make endeavour to dispose of the main proceedings i.e. P.W.D.V.A. No. 50/2021 pending before the Court as expeditiously as possible. Both the parties shall not seek any unnecessary adjournment before the Court.

(KISHORE C. SANT, J.)

PS.B.