

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

CRIMINAL WRIT PETITION NO. 1296 OF 2021

Chandrakant Gangadhar Wagh ... Petitioner

Versus

Pramila Chandrakant Wagh and another ... Respondents

....

Mr. Vishal Kakade, Advocate h/f Mr. Shaikh Mazhar A. Jahagirdar,
Advocate for petitioner

....

CORAM : R. G. AVACHAT, J.

DATED : 29th MARCH, 2022

ORDER :-

Heard.

The challenge in this petition is to the order dated 10.02.2020, passed by the Additional Sessions Judge, Ahmednagar, on application Exh.5 in Criminal Appeal No.138 of 2019. Vide the order impugned herein, the application moved by the petitioner for stay of the order dated 18.06.2019 passed by the Judicial Magistrate, First Class, Court No.9, Ahmednagar, in Criminal Miscellaneous Application No.169 of 2018 was sought to be stayed. In short, it is a proceeding arising out of the Protection of Women from Domestic Violence Act. The petitioner herein is the husband. The learned J.M.F.C. has directed him to pay his wife and the son a sum of

Rs.3,500/- and Rs.2000/- per month towards maintenance, besides a sum of Rs.2,500/- per month for securing separate residence. He has also been directed to pay Rs.9,000/- as compensation with a further direction to take mediclaim policy of Rs.2,00,000/-.

2. The appellate Court has passed the following order on application Exh.5.

“Order of trial court is stayed in part as follows.

- 1. Appellant shall pay the amount of maintenance and monthly rent amount as ordered by trial court. The order of payment of compensation and obtaining mediclaim policy worth Rs.Two lakh till final decision of the appeal.”*

3. The evidence indicate that the petitioner herein is in service. His salary for the Month of July 2019 was Rs.57,000/- It thus appears that the amount of maintenance awarded by the learned Magistrate is very meager. In this factual backdrop, this Court is not inclined to issue notice to the respondents.

4. The writ petition is therefore, dismissed.

[R. G. AVACHAT, J.]