

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

CRIMINAL WRIT PETITION No. 27/2022.

Vijay s/o Ramesh Khadse,
Aged about 40 years, Occupation
Service, resident of Near Indira
Gandhi High School, Gajanan Nagar,
Wardha Road, Nagpur.

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PETITIONER.

VERSUS

Prerna w/o Vijay Khadse,
Aged about 30 years, Occupation
Private, resident of C/o. Shri
Prabhakar Rao Bhujade, Gangapur,
Umred, District Nagpur.

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RESPONDENT.

Ms. Shiba Thakur, Advocate for the Petitioner.
Mr. N.R.Bhisikar, Advocate for the Respondent.

CORAM : VINAY JOSHI, J.

DATE : JULY 19, 2022.

ORAL JUDGMENT :

By consent of the learned Counsel appearing for the

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respective parties, the matter is taken up for hearing and final disposal by issuing **Rule**, making the same returnable forthwith.

2. The petitioner/husband has challenged the interim order of maintenance dated 30.04.2019, by which he was directed to pay maintenance @ Rs.7000/- per month.

3. The respondent/wife has filed an application in terms of Section 12 of the Protection of Women from Domestic Violence Act, in which she moved an application for interim maintenance. The respondent / wife has claimed that there has been domestic violence and as she was neglected, she applied for interim maintenance.

4. The learned Magistrate after considering the material on record has passed the impugned order directing the petitioner/husband to pay an amount of Rs.7000/- per month towards interim maintenance. The petitioner/husband has challenged the said order in appeal, wherein the Appellate Court has declined to interfere.

5. The learned Counsel for the petitioner would submit that the petitioner is a Class-IV servant and his take home salary is to the

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tune of Rs.11,440/- only. He is shouldering responsibility of his old aged mother, and therefore, the quantum of interim maintenance as fixed by the learned trial Court and confirmed by the Appellate Court is too excessive. It is submitted that the respondent / wife is well educated and she perhaps is engaged in some job.

6. The learned Counsel appearing for the respondent / wife would submit that the husband is having sufficient means for providing maintenance as granted.

7. The challenge is restricted to the quantum of maintenance amount. Petitioner's salary slip for the month of December, 2021 has been produced on record. It reveals that the petitioner / husband's gross monthly earning is to the tune of Rs.29,906/-. Deductions are on various counts, including Misc. deduction of Rs.5600/- per month. It is informed that said deduction is towards maintenance amount. Considering other deductions, his monthly take home salary would be Rs.17,040/-. Having regard to said fact, the quantum of maintenance cannot be held to be too excessive. Yet evidence is to be recorded in the proceedings, therefore, no case is

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made out for interference. Writ Petition is accordingly dismissed.

Rule discharged. No costs.

JUDGE