

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

CRIMINAL WRIT PETITION NO.257 OF 2022

1. Param S/o Sureshraoji Dahake,
Aged 33 years, Occ. Private Job.
2. Sureshraoji Dahake,
Aged 66 Years, Occ. Nil.
3. Smt. Laxmibai W/o Sureshraoji Dahake
Aged 49 Years, Occ. Household.
4. Sau. Minakshi W/o Ankush Bhiwgade
Aged 31 Years, Occ. Household
R/o Near Bhawani Mata Mandir,
Bhawani Nagar, Pardi, Nagpur.
5. Shirish S/o Sureshraoji Dahake
Aged 32 Years, Occ. Private.
6. Smt. Rupali W/o Shirish Dahake
Aged 21 Years, Occ. Household.

Petitioner No.1 to 3, 5 & 6
All R/o Telipura, Pewtha,
Maskasath Puliya, Near Ambedkar Putla,
Itwari, Nagpur.

..... **PETITIONERS**

...V E R S U S...

Smt. Vandana W/o Param Dahake
Aged 29 Years, Occ. Pvt Job
R/o C/o Chintamanraoji Harne,
Gumthala, Bhokhara Road,
Koradi, Nagpur.

..... **RESPONDENT**

Mr. V. R. Baseshankar, Advocate for Petitioners.
Mr. Gurupreetsingh H. Chandok, Advocate for Respondent.

CORAM: **VINAY JOSHI, J.**
DATE: **28th JULY, 2022.**

ORAL JUDGMENT:

Heard learned Counsel for the parties.

2. By consent the matter is taken up for final disposal by issuing Rule, making the same returnable forthwith.

3. **Rule.**

4. The petitioners have challenged the order of interim maintenance which was confirmed in appeal. The respondent wife has applied to the learned Magistrate for the relief as available under the provisions of the Protection of Women from Domestic Violence Act, 2005. The learned Magistrate has granted interim maintenance to the wife at the rate of Rs.3000/- per month. Being aggrieved, the petitioner – husband has filed an appeal. However, it was dismissed.

5. The proceeding under D. V. Act is pending, in which evidence is yet to be recorded. The short question is about the justness of the interim amount of maintenance. Undisputedly, the

quantum of maintenance shall be in tune with the husband's income and the living standard of the parties. It is brought to the notice that the husband is serving as Technician in private company. Various salary slips of the husband from the month of January 2022 to May 2022 are produced on record showing that approximately his take home salary is to the tune of Rs.11,000/- per month. The husband has produced his bank account to show salary credited and also the deduction of loan installment amount of Rs.2300/- per month.

6. The wife has not brought anything to show that the husband is earning more than Rs.11000/- per month. It is true that the husband is paying some loan installments out of salary. However, the wife should get at least bare minimum amount for her survival. The husband is able-bodied person having technical skill. He shoulders legal liability to maintain his wife. Considering husbands income and present price index an amount of Rs.3000/- per month cannot be said to be excessive or exorbitant.

7. In view of above, no case of interference is made out. The application stands dismissed.

9. Rule stands discharged.

JUDGE

NSN