

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

CRIMINAL WRIT PETITION NO.701 OF 2022

Girish S/o Arvind Barai .Vs. Dipali W/o Girish Barai

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri G.D. Dani, Advocate for the applicant.

CORAM : ANIL S. KILOR, J.
DATED : 11/10/2022

1. Heard.

2. In this writ petition, a challenge is raised to the order dated 14.06.2022, passed below Exh.6 by the learned Judge, Family Court-4, Nagpur, partly allowing the application for grant of interim maintenance and thereby, directing to pay Rs.7,000/- per month to the petitioner towards interim maintenance.

3. The learned counsel for the applicant at the outset, sought time to file documents on record. On a query whether he wants to file some new documents which were not there on record before the trial Court, the reply was in-affirmative. It is a settled law that the correctness of the impugned order can be examined on the basis of material which was available before the trial Court while passing the

order. In that view of the matter, the request is rejected and the matter is heard on merit.

4. The learned counsel for the applicant submits that, the respondent is serving in a school and she getting salary more than Rs.12,000/- and therefore, grant of interim maintenance to the tune of Rs.7,000/- is exorbitant and in such situation, the reasonable amount would be Rs.4,000/- per month. He further submits that the applicant needs to maintain his parents.

5. I have perused the petition and the impugned order.

6. In the impugned order while allowing the application for interim maintenance partly, the learned trial Court has observed that, no documentary evidence has been produced by the applicant to show that the respondent is in serving and she is earning or she is having any income. Whereas, admittedly, the applicant is receiving Rs.46,870/- as salary.

7. Thus, in absence of any evidence produce before the family Court to show that the respondent is earning and she is in service, no error has been committed by the learned family Court in rejecting the said contention

of the applicant and granting Rs.7,000/- per month as an interim maintenance.

8. Thus, in the circumstances, as the learned family Court has not committed any error in granting Rs.7,000/- as an interim maintenance, I do not find any merit in the present petition. Accordingly, I pass the following order:

The criminal writ petition is **dismissed**.

JUDGE