

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

Criminal Writ Petition No.893 of 2021

Preeti (Guddi) w/o Anand Kamble

vs.

Anand Kashinath Kamble

*Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.*

Court's or Judge's Orders

*Mr. A.A. Choube, Advocate for the Petitioner.
 Mr. P.S. Khubalkar, Advocate for the Respondent.*

CORAM : VINAY JOSHI, J.

DATE : 29th JUNE, 2022.

Heard.

02] This petition is of the wife challenging the order of the Family Court, Yavatmal, dated 08/11/2021 refusing interim maintenance. The petitioner-wife has failed proceedings in the Family Court in terms of Section 125 of the Code of Criminal Procedure seeking maintenance from her husband.

03] Having regard to the special feature that the wife was earning salaried income, the interim maintenance was rejected. The parties are not in dispute that the petitioner-wife is earning salary of Rs.30,769/- per month, whilst the respondent-husband is earning salary to the tune of Rs.67,813/- per month. Having regard to the figure of salary, the petitioner-wife urged that maintenance shall be awarded, so that she would be brought at par with her husband as regards to living conditions.

04] Admittedly, the main application for maintenance is pending. I have suggested both the learned Counsel that instead of going on fighting at interim stage, it is appropriate that the parties shall go with the main proceedings, which could be disposed of at the earliest. At this juncture, both the learned Counsel agreed to expedite the matter. Upon instructions, the respondent's learned Counsel undertakes to pay monthly interim maintenance at the rate of Rs.5,000/- without prejudice.

05] In view of the above, the Family Court, Yavatmal is directed to decide the main petition bearing Petition No.E-286/2020 within six months from today. In the meantime, the respondent-husband shall pay interim maintenance at the rate of Rs.5,000/- per month. It is made clear that the above direction is towards interim measure and this Court has not considered the merits at all. The Family Court, Yavatmal shall decide the application on its own merits in accordance with law. The petition is disposed of in the above terms.

JUDGE

**sandesh*