

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

CRIMINAL WRIT PETITION NO. 39 OF 2022

Shri Manoj s/o Bhimrao Kharbade,
Aged about 37 years, Occupation :
Service, Resident of Pitruchaya
Building, Sancheti Jean Factory,
Station Road, Near Bus-stop, Katol,
Tah. Katol, Dist. Nagpur.

Presently residing at,

2nd floor, Building No. 363, Spicejet
Aviation Academy, Udyog Vihar,
Phase-II, Gurgaon (Haryana) 122 015

... **PETITIONER**

VERSUS

1. Trupti w/o Manoj Kharbade
@ Trupti D/o Narendra Bobde,
Aged about : 31 years,
occupation : Household.
2. Palaksh s/o Manoj Kharbade,
acting through its Natural

Guardian,

Trupti w/o Manoj Kharbade,
Both Respondent presently
R/o C/o Narendra R. Bobde,
Plot No. 29, Pannase Layout,
Swawalambi Nagar, Nagpur –
440 022.

... RESPONDENTS

Mrs. Nisha N. Burange, Advocate for the petitioner.
Shri R.M. Tahaliyani, Advocate for the respondents.

CORAM : VINAY JOSHI, J.
DATED. : 24.06.2022.

ORAL JUDGMENT :

RULE. Rule is made returnable forthwith.

2. Heard finally by consent of both the parties.
3. The petitioner-husband challenges an interim order passed by the Family Court dated 29.10.2021 whereby maintenance at the rate of Rs.30,000/- per month for the wife and

Rs.20,000/- per month for the son, has been awarded. It reveals from the impugned order that the husband's salaried income is to the tune of Rs.90,000/- per month. On the basis of which the interim quantum has been fixed. The salary slip is the part of the record which roughly indicates that take home salary of the petitioner is near-about Rs.80,000/- per month. Several technical and factual disputes have been raised by the parties against each other. Admittedly, the main Petition No.556 of 2019 for maintenance in terms of Section 125 of the Code of Criminal Procedure is pending for adjudication before the Family Court, Nagpur.

4. At this stage, I have suggested the parties that instead of going on with this petition on merits that too at interim stage the matter could be worked out as the time being arrangement.

5. Both learned Counsel have readily agreed that total amount of Rs.37,000/- per month could be made as an interim maintenance amount. Obviously, the quantum is roughly fixed on the basis of salary vis-a-vis dependency without considering the

merits of the claim.

6. In view of that, the impugned order dated 29.10.2021 passed by the Principal Judge, Family Court, Nagpur is modified by altering the interim maintenance at the rate of Rs.20,000/- per month for the wife and Rs.17,000/- per month for the son. The Trial Court Nagpur shall make an endeavour to decide the maintenance Petition No. 556 of 2019 at the earliest and as far as possible within six months from the date of communication of this order.

7. The petition stands disposed of in above terms.

(VINAY JOSHI, J.)

Trupti