

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

CRIMINAL WRIT PETITION No. 1070/2019.

Prashant s/o Shrawanji Uswal,
Aged about 36 years, Occupation
Service, resident of Plot No.55,
Lok Many Society, Sai Nagar,
Wadi, Dabha, Nagpur 4400023.

... **PETITIONER.**

VERSUS

Mrs.Nanda w/o Prashant Uswal,
Aged about 30 years, Occupation
Housewife, resident of C/o. Baburaoji
Wadarkar, 91/D, Kothi Road, Mahal,
Nagpur 4400032.

... **RESPONDENT.**

Ms. N.M. Hiwase, Advocate for the Petitioner.
Ms.R.B.Khandwani, Advocate for the Respondent.

CORAM : VINAY JOSHI, J.

DATE : JUNE 06, 2022.

ORAL JUDGMENT :

Heard learned Counsel for the parties. With their consent

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

2. This petition raises a challenge to an interim order of maintenance dated 08.11.2019 passed by the Family Court No.3, Nagpur in Petition No. E-432/2018. The respondent – wife has filed a proceeding seeking maintenance from her husband by resorting to summary mode by invoking provisions of Section 125 of the Code of Criminal Procedure. The wife also moved an interim application which was partially allowed vide the impugned order, by which the petitioner – husband was directed to pay maintenance amount of Rs.8000/- per month till the conclusion of the main petition.

3. So far as other aspects are concerned, at this interim stage they are not agitated, but, the objection is only about quantum of interim maintenance. Petitioner – husband is serving in M.S.E.D.C.L. i.e. an electric supply company, as an operator and is drawing a fixed amount towards salary. Salary certificate for the month of October, 2019 was produced to show that his take home salary was to the

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tune of Rs.30,254/-. It is brought to the notice that prior to the matrimonial dispute the husband has raised a loan from a Nationalized Bank for house repairs for which he was paying monthly installment of Rs.12,762/-. Thus, the net take home salary would be roughly in between Rs.19,000/- to 20,000/- per month.

4. The learned Counsel for the respondent – wife would submit that during course of time there is increase in the salary as well as the husband is having another source of income from rent.

5. The main petition is pending in which all the aspects would be dealt with appropriately. The husband has cleared all the arrears in pursuance of the interim order of this Court at reduced rate. It is not in dispute that wife is educated i.e. she is M.Com., M.C.M., engaged in data entry work and earning meager amount. Having regard to above facts, the interim order is modified to the extent of reducing the monthly maintenance amount to the tune of Rs.7000/- from Rs.8000/-. The remaining part of the impugned order shall stand as it is. The learned Trial Court to decide the

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matter expeditiously. The amount which is deposited in this Court shall be taken into account while assessing arrears.

6. Criminal Writ Petition is accordingly allowed. Rule is made absolute in aforesaid terms with no order as to costs.

JUDGE