

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

53 CRIMINAL WRIT PETITION NO.1075 OF 2022

**AJINKYA ANIL MEHETRE
VERSUS
MEENAKSHI AJINKYA MEHETRE AND OTHERS**

Mr. Vivek V. Tarde, Advocate for the petitioner

Mr. Shantaram R. Dheple, Advocate for respondent Nos. 1 to 3

CORAM : KISHORE C. SANT, J.

DATE : 23rd MARCH, 2023

P. C.

1. Heard.

2. This petition is for challenging the order of interim maintenance dated 06-07-2022 passed below Exh.13 in Criminal Misc. Application No. 159/2021 by the learned JMFC, Bhusawal, Dist. Jalgaon. By way of impugned order the learned trial judge has granted maintenance of Rs.4000/- each to be paid to the wife and two children. Against the said order the petitioner husband has come to this court.

3. On going through the order it is seen that while considering the quantum of the maintenance the court has considered that the petitioner is having tours and travels business and is also having irrigated agriculture land and is earning Rs.1 and half crore etc. It is the case of the husband that he is getting only salary of Rs.7000/- per month as he is working in the private firm. He has to maintain his parents. It is the further case of the petitioner that his wife is more educated than him. Her earning is more than Rs.15,000/- per month. The land stands in the name of his father. There is no partition effected in the family and he does not have any agricultural land in his name.

4. Learned trial court considering the material before the court has observed that both children are school going children and they require expenses etc. Though the petitioner husband has filed statement of income and expenses wherein income is shown only Rs.7000/-. The court below has not considered. It is clear that husband is doing something and

earning must be taken to more than minimum wages and even then he can certainly pay Rs.12,000/- per month to the wife and two children.

5. While coming to the conclusion the court has also considered the 7/12 extract of the agricultural land standing in the name of his father which shows that lands are irrigated lands. Though the lands do not appear in the name of petitioner, still it is not the case that he is not getting income from the said land. Considering this, this court finds that no case is made out specially when the order is only interim order. Hence the following order.

ORDER

a] Criminal Writ Petition is dismissed.

b] The learned trial court is requested to decide the original proceeding Criminal Misc. Application No. 159/2021 as early as possible and preferably within a period of six months from today.

[KISHORE C. SANT, J.]