

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

944 WRIT PETITION NO. 13286 OF 2023

PURUSHOTTAM VITTHAL PATIL
VERSUS
JAYASHRI PURUSHOTTAM PATIL AND OTHERS

...
Advocate for Petitioner : Mr. Bhamre Manish V.
...

CORAM : SHAILESH P. BRAHME, J.

DATE : 26th OCTOBER, 2023

PER COURT :

The petitioner who is defendant is challenging an order of interim maintenance passed by learned Joint Civil Judge Junior Division Sangamner, below exhibit 7 in Regular Civil Suit No. 01 of 2009. Respondent no. 1 is wife of petitioner and respondent nos. 2 and 3 are daughters. The respondent no. 1 has instituted RCS No. 01 of 2009 for partition, injunction and maintenance. The suit is contested by the petitioner.

2. The respondent no. 1 has filed the application exhibit 7 for interim maintenance of Rs. 10,000/- per month for herself and equally for the daughters. The claim is opposed by the petitioner. By order dated 14th March, 2023, application is partly allowed awarding Rs. 2000/- per month to the respondent no. 1 and Rs. 1,000/- each to the respondent nos. 2 and 3.

3. Learned counsel for the petitioner submits that the learned Judge has committed error of jurisdiction in considering the income of

the petitioner without there being tangible and convincing evidence on record. He would submit that the petitioner has sustained accident and under great distress. The financial position of the petitioner has not been taken into account by the learned Judge. The entitlement of the respondents for the interim maintenance is vehemently disputed. He would further submits that the respondent no. 1 has sufficient means. Previously also she has resorted to the criminal proceedings. Therefore, she is not entitled for any interim maintenance.

4. I have gone through the reasoning assigned by learned Judge carefully. All the aspect of the matter especially the financial status of the petitioner has been dealt with. A speaking order is passed by learned Judge awarding maintenance to the respondents. The maintenance awarded to the respondents is minimum. The conclusion drawn by learned Judge in the impugned order is plausible and based upon material on record. I do not find any case is made out to interfere with the impugned order. Writ Petition is dismissed.

[SHAILESH P. BRAHME, J.]

spc/