

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

CRIMINAL WRIT PETITION NO. 1557 OF 2022

Nilesh Ramdas Rakhonde

.. Petitioner

Versus

Laxminanda Nilesh Rakhonde

.. Respondent

Ms. Harshita M. Manglani, Advocate for the Petitioner.

Mr. Hemantkumar F. Pawar, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATED : 17th FEBRUARY, 2023.

P. C. :-

. Heard both the parties. Taken up for final hearing by consent of the parties.

2. By way of this petition, the petitioner is challenging the order of interim maintenance awarded by the learned Judge, Family Court, Jalgaon. The only submission of learned advocate for the petitioner is that the Family Court has granted maintenance of Rs. 30,000/- (Rs. Thirty Thousand only) to wife and two children and the same is exorbitant considering his salary which is stated to be Rs. 68,000/- (Rs. Sixty Eight Thousand only) and some odd amount.

3. Learned advocate for the respondent vehemently opposes the

petition. Firstly on the count that, it is only interim maintenance that is awarded and therefore need not be interfered with. Secondly, he submits that, except salary there is other source of income to the husband and however, he is deliberately not filing the statement of assets and liabilities in the Court.

4. This Court in view of submission of respondent specifically asked the learned advocate for the petitioner as to whether the husband is ready to make a statement that he does not have any other income source except the salary to which inability is shown and submits that his contact cannot be established immediately. However, the fact remains that till now even before the Family Court no statement is filed by the husband. It is difficult at this stage to exactly come to the conclusion since the parties are yet to lead the evidence before the Trial Court and to determine the exact income.

5. Considering the fact that, there are three persons that is wife and two minor children, this Court finds that the amount cannot be said to be exorbitant at least at the interim stage. It is open for the parties to lead the evidence in respect of income of the petitioner. The purpose would be served by directing the Family Court to dispose off the main petition i.e. E-154/2021 as expeditiously as possible and preferably within a period of six (06) months from today.

6. The criminal writ petition is thus disposed off with a request to the learned Judge, Family Court, Jalgaon to dispose off the main petition No. E-154/2021 as expeditiously as possible and preferably within a period of six (06) months from today. It is expected of the parties to co-operate the Court in speedy disposal of the matter.

7. Learned advocate for respondent submits that by way of condition, this Court had directed the petitioner to deposit an amount of Rs. 2,00,000/- (Rs. Two Lakh only) in this Court which is already deposited. He seeks permission of this Court to withdraw the said amount.

8. The respondent is thus at liberty to withdraw the amount of Rs. 2,00,000/- (Rs. Two Lakh only) deposited by the husband as per order dated 12.12.2022 without making formal application.

(KISHORE C. SANT, J.)

P.S.B.