

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

57 CRIMINAL WRIT PETITION NO.1771 OF 2022

**MR. K.G. BENNY S/O. P.G. VARGHESE
VERSUS
SMT. SUSAN W/O. K.G. BENNY AND ANOTHER**

Mr. M. R. Sonwane, Advocate for the petitioner
Mr. L. B. Pallod, Advocate for the respondent Nos. 1 and 2

CORAM : KISHORE C. SANT, J.

DATE : 10th APRIL, 2023

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1. Heard the learned advocates for the parties.
2. This petition is arising out of the order dated 02-08-2022 passed by the learned Family Court, Jalna granting interim maintenance directing the petitioner-husband to pay interim maintenance to the respondent wife @ Rs.3000/- and Rs. 5000/- to the son. It has come on record that the husband is getting salary of Rs.71,000/-. It is further a case of the husband that he has to pay Rs.40,000/- per month towards EMI of house loan and Rs.7000/- towards loan he has taken for purchase of a

car and thus he hardly gets an amount of Rs.16,600/- in hand and considering that the amount appears to be high. This court while issuing notice itself had made it clear that since the husband had made statement that there are chances of settlement as he has strong desire to cohabit with the respondent notice was issued.

3. Learned advocate for the respondents however submits that there were talks of settlement. There were attempts made by the Counselor of the Family Court. However, no settlement could take place. Even today he submits that because of the behavior of the petitioner chances of settlement are not there.

4. Learned advocate for the petitioner submits that wife is not even allowing him to meet the child.

5. In spite of this, this court finds that no ground is made to entertain the petition. However, it is clarified that it is

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expected that respondent No.1 will allow the petitioner to see the respondent No.2 whenever petitioner comes to see him.

6. In view of this, petition stands dismissed.

[KISHORE C. SANT, J.]

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