



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Criminal Writ Petition No. 520 of 2023

W/o Digvijay Shelokar @ Kavita Pandurang Bhoyar ..vs.. Digvijay S/o Vitthalrao Shelokar]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. V. D. Awchat, Advocate for the petitioner

CORAM : ANIL L. PANSARE J.

DATED : 25-8-2023

The petitioner – wife is challenging the order dated 18-7-2023 passed by the learned Family Court, Yavatmal. Learned Judge of the Family Court has passed common order below Exhibit 12 in Petition No. A-170/2022 (petition under the Hindu Marriage Act) and Petition No. E-220/2020 (petition under Section 125 of the Code of Criminal Procedure). While the petitioner – wife sought interim maintenance of Rs. 40,000/-, the learned Family Court has granted Rs. 4,000/- per month. While doing so, learned Family Court has referred to the order passed by learned Judicial Magistrate First Class dated 1-6-2022 in the proceedings filed by the petitioner against the respondent under the provisions of Protection of Women from Domestic Violence Act, 2005. The learned Magistrate has granted interim maintenance of Rs. 4,000/-. The Family Court was of the view that once the interim maintenance has been granted by one Court, the petitioner cannot claim similar such relief in another proceeding.

2. Query was made to the learned counsel for the petitioner as to whether the order passed by the learned

Magistrate has been challenged, he answered in the negative. Thus, the order granting interim maintenance by the learned Magistrate has attained finality. It could be thus presumed that the petitioner – wife is not aggrieved by the interim maintenance so granted.

3. If that be so, no perversity is found in the order passed by the learned Judge of the Family Court. I am not inclined to entertain the petition under the discretionary jurisdiction.

4. The petition is dismissed.

5. Copy of this order be served upon the Family Court, Yavatmal and Judicial Magistrate First Class, Court No. 4, Yavatmal.

(Anil L. Pansare, J.)