



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

...

CRIMINAL WRIT PETITION NO. 595/2023

&

CRIMINAL WRIT PETITION NO. 525/2023

Jayashri w/o Ajinkya Sapte
versus

.. Petitioner

Ajinkya s/o Ramesh Sapte

.. Respondent

W.P. NO. 525/2023

Ajinkya s/o Ramesh Sapte

.. Petitioner

versus

Jayashri w/o Ajinkya Sapte

.. Respondent

.....
Mr.Vivek Awchat Advocate for the wife

Mr A.H. Joshi, Advocate for husband
.....

CORAM: ANIL L. PANSARE, J.

DATED : 10th October, 2023.

PC:

Writ Petition No. 595/2023 has been filed by the wife and Writ Petition No.525/2023 has been filed by the husband. Both have challenged the order dated 2nd May 2023 passed below Exh.6 by the learned Judge, Family Court, Yavatmal, thereby granting interim maintenance @ Rs. 15,000/- per month, in favour of the wife.

2. Heard both sides. Perused the interim order.

3. The wife claims that her husband is earning Rs.1,25,000/-. The husband claims that he is jobless. The Family Court found that the husband is highly qualified. The Court has also noted that the husband has not filed his income tax return. Accordingly, the learned Judge has noted that it has no other alternative than to guess the income of the husband, which according to the Family Court, is Rs.75,000/- per month.

The wife could not point out any cogent material whatsoever about the earning of husband.

4. In the circumstances I am not inclined to upset the finding of the Family Court, that too when it relates to interim arrangement.

5. The learned counsel for the husband submits that the wife is earning Rs. 40,000/- and he has documents to indicate so. He submits that these documents were not placed before the Family Court. If that be so, on the basis of such documents which were not placed before the Family Court, the order impugned can not be said to be perverse and, therefore, there arises no question of setting aside the said order, on the basis of the aforesaid contentions.

6. There is no substance in both the petitions. The Petitions are dismissed. No costs.

[ANIL L. PANSARE, J.]

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