



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

WRIT PETITION NO.6394 OF 2023

(Shri Rajesh s/o Laxmanrao Khapare Vs. Sau. Tanju w/o Rajesh Khapare and another)

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

Court's or Judge's orders.

Mr. Nitin Bhishikar, Advocate for Petitioner.

CORAM: ANIL S KILOR, J.

DATE: 25th SEPTEMBER, 2023.

In the present writ petition order below Exh.6 dated 19.10.2022 passed by the Family Court No.3, Nagpur granting maintenance to the respondents to the tune of Rs.2000/- each, is under challenge.

2. The only ground raised by the petitioner is that under the Domestic Violence Act the Court has already granted Rs.4000/- to the respondents as maintenance and in addition to the same the Family Court has granted further Rs.4000/- i.e. Rs.2000/- each to the respondents as maintenance. It is further submitted that the petitioner needs to maintain her parents and also required to pay EMI of the hand loan.

3. It is the settled law that while determining the amount of maintenance the amount of installment of such loan cannot be deducted from the income of the husband

and in that view of the matter, the argument made by the learned counsel as regards the payment of installment of hand loan is rejected.

4. From the record it appears that the petitioner is earning about Rs.30,000/- per month. Further it appears from the record that the respondent No.2 who is daughter of the petitioner, is six years old.

5. Thus, considering the amount required for living a dignified life, I am of the opinion that even if in a DV proceedings Rs.4000/- was granted to the respondents as maintenance, the maintenance granted in addition to the said amount by the Family Court to the respondents at the rate of Rs.2000/- each, needs no interference. Accordingly, the writ petition is dismissed.

(ANIL S. KILOR, J.)