

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

WRIT PETITION NO.7671 OF 2022

(SHASHIKANT DEVIDAS BOTHALE..VS.. ARCHANA SHASHIKANT BOTHALE)

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

Court's or Judge's orders

Shri S.K.Bhattacharya, Advocate for Petitioner.
Ms S.H.Bhatia, Advocate for Respondent.

CORAM : ANIL S. KILOR, J.
DATED : APRIL 11, 2023.

1. Heard.
2. The order granting maintenance of Rs.20,000/- is under challenge. The petitioner is husband and respondent is wife of the petitioner. On record, admittedly, the gross income of the petitioner is Rs.1,09,710/- and net income is Rs.99,831/-.
3. The learned counsel for the petitioner submits that he has to maintain his parents and a son, whereas, the record shows that the father of the petitioner is getting pension. So, there is no question of maintaining the parents. He further argues that he has to pay installments of loan, premium of insurance etc.
4. However, it is settled law that, to determine the maintenance amount, the amount which the petitioner is paying towards installment of loan or insurance premium cannot be excluded and therefore, as no case is made out

by the petitioner to interfere with the order of granting maintenance to the respondent to the tune of Rs.20,000/-, I am of the opinion that the present writ petition needs to be dismissed.

5. At this stage, the learned counsel for the petitioner points out that the respondent without disclosing the fact of grant of Rs.20,000/- per month towards maintenance, made another application in the domestic violence case and in that an interim order of Rs.10,000/- per month was passed in favour of the respondent. He therefore, prays that the said amount may be adjusted in the amount of maintenance of Rs.20,000/- per month granted vide impugned order by the Civil Judge Senior Division, Chandrapur.

6. In that view of the matter, I pass the following order :

- i) The writ petition is **dismissed**. In the circumstances, there shall be no order as to costs.
- ii) It is made clear that the amount of Rs.10,000/- per month granted in domestic violence case shall be adjusted in the amount of Rs.20,000/- per month granted in favour of the respondent vide impugned order.