



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 101 OF 2024

Jitendra Pandurang Patil
VERSUS
Poonam Jitendra Patil and another

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Advocate for the Petitioner : Mr. Pramod P. Dhorde
Advocate for Respondents : Mr. Mangesh G. Patil

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CORAM : SHIVKUMAR DIGE, J.
DATED : 27th JUNE, 2024.

PER COURT :-

1. By this writ petition, the petitioner has challenged the judgment and order dated 15.09.2023, passed in PWDVA appeal No. 2 of 2023, by the learned Additional Sessions Judge, Amalner, district Jalgaon.

2. It is the contention of the learned counsel for the petitioner that respondent No.1 had filed maintenance application against the petitioner under the provisions of Protection of Women from Domestic Violence Act, 2005. The trial court has granted maintenance of Rs.5000/- to respondent No.1 and Rs.3000/- to respondent No.2. The said order was challenged by respondents before the Sessions Court. By the impugned order, the Sessions Court has enhanced the maintenance amount from Rs.5000/- to

Rs.15,000/- to respondent No.1 and from Rs.3000/- to Rs.5000/- to respondent No.2. Learned counsel further submitted that while enhancing the maintenance amount, the appellate court has not considered the other aspects of the matter and without any reasonable ground, the appellate court has enhanced the amount, which is erroneous. Learned counsel further submitted that the order passed by the appellate court is perverse and the enhancement is granted only on the basis of surmises and conjunctures. Hence, he requested to allow the writ petition.

3. It is the contention of learned counsel for respondents that respondent No.1 has no source of income. The monthly income of the petitioner by way of salary is more than Rs.1,00,000/-. Respondent No.1 has to bear the educational expenses and other expenses of herself and respondent No.2, who is taking education. The appellate court has considered all these aspects and on that basis the impugned order has been passed order, which is legal and valid and no interference is warranted in it.

4. I have heard both the learned counsel. Perused the impugned order. While passing the order, the trial court has observed that the petitioner is getting handsome salary of Rs.84,763/-. It is further observed that the husband is also having

responsibility of his parents. Considering the fact and the need of the aggrieved persons, including education expenses of respondent No.2 the interim maintenance of Rs.15,000/- p.m. to the respondent No.1 and Rs.5000/- to the respondent No.1 would be just, fair and adequate and will be consistent with the standard of living to which the respondents are accustomed. I do not find any infirmity in the observations of the appellate court, as considering the present inflation rate and educational expenses, the maintenance awarded by the appellate court is just and proper. Moreover, the petitioner is getting monthly salary more than Rs.80,000/- the respondent are his wife and son, respectively, he has to take care of them and responsible to maintain them. In view of above, I pass the following order:-

O R D E R

Criminal writ petition is dismissed.

(SHIVKUMAR DIGE, J.)

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