



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

8 CRIMINAL WRIT PETITION NO. 261 OF 2023

AWEZ WASEEM SHAIKH AND OTHERS

VERSUS

SADAF W/O. AWEZ SHAIKH

...

Advocate for the Petitioner : Mr. T. J. Momin

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CORAM : **SHIVKUMAR DIGE, J.**

DATE : 15th July, 2024.

P.C.:

1. By this writ petition, the petitioner is challenging the order passed by the Judge, Family Court, Aurangabad directing the petitioner to pay interim maintenance of Rs.5,000/- per month to the respondent.
2. It is contention of the learned counsel for the petitioner that the trial Court has directed the petitioner to pay Rs.5,000/- per month to the respondent without any reasonable ground. The trial Court has not considered the fact that the respondent is not entitled for getting maintenance, hence requested to allow the petition.
3. Though the notice was issued to the respondent, office remark shows that the notice returned unserved. The issue involved in this petition is in respect of interim maintenance amount, hence I am deciding it on merits.
4. Perused the impugned order passed by the learned Judge, Family Court, Aurangabad dated 5th May, 2022. While passing the

order, the trial Court has observed that the respondent is not receiving any maintenance or monetary relief from the petitioner, she is entitled for maintenance amount. On that ground, the trial Court has directed the petitioner to pay Rs.5,000/- per month to the respondent. I do not find any infirmity in it. In my view, the petitioner has not disputed marital relationship with the respondent. The trial Court has passed the interim order. It is not final order. The petitioner can produce evidence in support of his contention while hearing of the main application. Considering these aspects, I pass the following order :-

ORDER

- (i) The writ petition is dismissed.
- (ii) All the contentions of both the parties are kept open.
- (iii) The petitioner can lead evidence in support of his case at the time of hearing of the main application.

[SHIVKUMAR DIGE, J.]