



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

934 CRIMINAL WRIT PETITION NO. 923 OF 2023

DR. RAMESHWAR S/O MADHAVRAO CHOLE
VERSUS
DR. TEJESHWARI RAMESHWAR CHOLE AND ANOTHER

...
Advocate for the Petitioner : Mr. Gunale Vishwamber Digamberrao
Advocate for Respondent nos.1 and 2: Mr.Randive Sachin S.

...
CORAM : SANJAY A. DESHMUKH, J.
DATED : 3rd JANUARY, 2024.

PER COURT :-

This Writ Petition is directed against the order passed below Exhibit-14 by Family Court, Jalna in Petition No.E-133 of 2022.

2. The learned advocate for the petitioner submitted that the amount of maintenance granted to both the respondents of Rs.10,000/- and Rs.15,000/- each, is huge amount of maintenance. The deductions of loan amount is not considered by the trial Court while awarding maintenance. The parents of the petitioner are depending upon him. He is suffering from non curable psoriasis disease and he required huge amount for his treatment. Therefore, he took loan, however, that fact is not considered by the trial court and awarded huge amount of maintenance. He further submitted and pointed out that the trial Court has not clarified as to why this petitioner shall pay the maintenance from the date of filing of the main petition. The main petition was filed on 03.08.2022 and

application for interim maintenance was filed on 16.02.2023. He, therefore, submitted to set aside the order by reducing the amount of maintenance.

3. The learned advocate for the respondents submitted that the learned trial Court has considered an affidavit of this petitioner about declaration of his income and other information and then granted reasonable amount of maintenance. The reasons of the learned trial Court are legal and correct. No interference is warranted. He submitted to dismiss the Writ Petition.

4. Perused the documents filed on record and impugned order. The impugned order more particularly paras 7 and 8 clarifies about the income of the petitioner and the learned trial Court come to the conclusion that the petitioner is getting a net pay of Rs.58,343/- and his annual assessment is of Rs.9,95,160/-. It is also observed from the bank statement that he drawn salary of Rs.88,364/- in the month of February, 2023. The learned trial court considered the educational and professional background of the petitioner and respondent and standard of life and requirement of respondent nos.1 and 2. Considering all these grounds, the learned trial Court rightly granted maintenance of Rs.10,000/- and Rs.15,000/- to the respondents. However, the learned trial Court concluded that the respondents are entitled for maintenance from the date of petition till its disposal. The learned trial Court has not given any reason as to

why the application is allowed from the date of filing of the petition i.e. from 03.08.2022. It is also not clarified, why it is not granted from 16.02.2023 i.e. from filing of the application Exhibit-14. Thus, the impugned order lacks reason as to why the respondents are allowed to get maintenance from the date of petition. To this extent, the interference is warranted in the impugned order. However, as held earlier, it is not necessary to interfere on account of quantum of maintenance amount. Writ Petition, therefore, deserves to be partly allowed. Hence the following order :-

ORDER

- (i) The Writ Petition is partly allowed.
- (ii) The petitioner shall pay the maintenance amount from the date of filing of the interim maintenance application i.e. from 16.02.2023.
- (iii) Writ Petition is disposed of accordingly.

(SANJAY A. DESHMUKH, J.)