



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

105 CRIMINAL WRIT PETITION NO. 960 OF 2023

Dhiraj Rangrao Shinde

VERSUS

Komal Dhiraj Shinde

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Advocate for the Petitioner : Mr. Pramod P. Dhorde

Advocate for Respondents : Ms. Kirti Deshpande h/f Mr. M.M.
Bhokarikar

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CORAM : SHIVKUMAR DIGE, J.

DATED : 5th AUGUST, 2024.

PER COURT :-

1. By this writ petition, the petitioner is challenging the impugned order dated 6.6.2022 passed below Exh.7 in Petition No. E-66 of 2021 by the learned Judge, Family Court, Jalgaon whereby the court granted the interim maintenance of Rs.10,000/- to the respondent.

2. It is the contention of learned counsel of the petitioner that the Family Court has granted R.10,000/- as interim maintenance to the respondent without any reasonable ground and without considering the documents produced on record. The learned counsel further submitted that the documents produced by the petitioner are not considered by the learned Judge. Learned counsel further submitted that after passing the order of granting interim

maintenance, the petitioner has lost his job and he has no source of income. Hence, requested to allow the writ petition.

3. It is the contention of the learned counsel for the respondent wife that no pleading is taken in this writ petition. No document was produced before the Family Court about loss of service by the petitioner. The petitioner earns Rs.84,000/- p.m. and on that basis the Family Court has granted interim maintenance. No interference is required in it and requested to dismiss the writ petition.

4. I have heard both the learned counsel. Perused the impugned order passed by the learned Judge, Family Court. While passing the order, the learned Judge has observed that the petitioner has admitted that he is drawing salary of Rs.80,000/- p.m. in his affidavit. He has shown certain liabilities but the same are mismatched with his income. Considering the documents produced on record, the learned Judge, Family Court has granted interim maintenance of R.10,000/- p.m. I do not find any infirmity in it. In my view, considering the documentary evidence produced on record, the learned Judge has passed the well reasoned order. The said order is passed on interim application. If the petitioner wants to prove his case, he has to prove it by producing the evidence on record. I do not find any reason to interfere in the order passed by the Judge,

Family Court and pass the following order:-

O R D E R

- I. The writ petition is dismissed.
- II. The contentions of both the parties are kept open. Both the parties can lead evidence in support of their contentions while hearing the main maintenance application. The applicant shall deposit 50% of the arrears of maintenance amount before the Judge, Family Court, Jalgaon, within two months from today.

(SHIVKUMAR DIGE, J.)

rlj/