



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1019 CRIMINAL WRIT PETITION NO. 1013 OF 2021

Pandurang Namdevrao Ubale Gadegaonkar

VERSUS

Varsha W/o. Pandurang Ubale Gadegaonkar and others

...

Advocate for the Petitioner : Mr. Amit Tandulkar h/f Mr. Gajanan G.
Kadam

Advocate for Respondents : Mr. Suaj R. Bagal

...

WITH

CRIMINAL WRIT PETITION NO. 1402 OF 2021

Varsha W/o. Pandurang Ubale Gadegaonkar and others

VERSUS

Pandurang Namdevrao Ubale Gadegaonkar

...

Advocate for the Petitioners : Mr. Bagal Suraj R.

Advocate for Respondent : Mr. Amit Tandulkar h/f Mr. Gajanan G.
Kadam

.....

CORAM : SHIVKUMAR DIGE, J.

DATED : 13th AUGUST, 2024.

PER COURT :-

1. By way of writ petition No. 1013 of 2021, the petitioner is challenging the order dated 6.3.2021, passed in petition No. E-156 of 2019 at Exh.24 on interim application No. 4 of 2021, by the learned Judge, Family Court, Nanded.

2. It is the contention of learned counsel for the petitioner in the said writ petition that the respondent had filed an application for

interim maintenance before the Family Court. After hearing both the parties, the learned Judge has granted maintenance of Rs.6500/- to the respondents which is on higher side. Learned counsel further submitted that the learned Judge has not considered the documentary evidence produced on record to show that the petitioner has no capacity to pay the said amount but it was not considered by the learned Judge. Learned counsel further submitted that the petitioner is working as driver and he has other liabilities. He has to maintain other family members. Hence, requested to reduce the amount of maintenance.

3. It is the contention of learned counsel for the respondents that the respondent Nos. 2 and 3 are staying with respondent No. 1. Respondent No.1 has no source of income. She has to take care of respondent Nos. 2 and 3. The maintenance amount awarded by the learned Judge is on lower side, as the respondent No.1 has to bear the educational and other expenses of respondent Nos. 2 and 3. The respondents have filed separate writ petition for enhancement of maintenance amount, hence requested to dismiss the writ petition.

4. I have heard both the learned counsel. Perused the impugned order passed by the Judge, Family Court, Nanded. While passing the order, the learned Judge has observed that considering the

documentary evidence produced on record, the learned Judge has awarded Rs.6500/- as interim maintenance to the respondent. In my view, the main maintenance application of the respondent is pending before the learned Judge and yet it has not been decided. This petition is filed, challenging the order granting interim maintenance. Whereas by other writ petition bearing No. 1402 of 2021, the respondents are seeking enhancement of maintenance amount. If the contentions of both the parties are kept open and both the parties are directed to produce evidence in main maintenance application, in support of their case, it would suffice. It is not necessary to quash and set aside the order passed on interim maintenance application. Hence, I pass the following order:-

O R D E R

- I. The writ petition is disposed of with liberty to the parties to lead evidence in support of their respective contentions in the main maintenance application. The contentions of both the parties are kept open.
- II. The Family Court is requested to dispose of the main maintenance application as early as possible, preferably within three months from today.
- III. In view of disposal of this writ petition, writ petition No.1402 of 2021 is also disposed of.

(SHIVKUMAR DIGE, J.)