



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

921 CRIMINAL WRIT PETITION NO. 1717 OF 2023

Bhagyashri W/o. Avinash Puri.

... Petitioner

Versus

1. Avinash S/o. Madhav Puri.
2. Anita W/o. Madhav Puri.
3. Akash S/o. Madhav Puri.
4. Vanita W/o. Jivan Bharti (Giri).
5. Chandrakala W/o. Baburao Puri.
6. Laxman S/o. Bhanudas Tekale.

... Respondents

...
Advocate for the Petitioner : Mr. Tukaram Maruti Venjane.
Advocate for Respondents : Mr. M. L. Dharashive.

...

CORAM : SHIVKUMAR DIGE, J.

DATE : 07th August, 2024.

P.C.:

. By this petition, the petitioner has challenged the order dated 3rd October, 2023 passed by the learned 4th Judicial Magistrate First Class, Latur (in short "Trial Court") on an application below Exhibit-5 in P.W.D.V.A. No.31 of 2023.

2 It is the contention of the learned counsel for petitioner that the petitioner has filed application under the Protection of Women from Domestic Violence Act (in short "DV Act"). In the said

proceedings, the Trial Court has granted interim maintenance of Rs.2,000/- per month to the petitioner, which is on lower side. The learned counsel further submitted that the petitioner was claiming Rs.50,000/- per month, but the Trial Court has granted paltry amount of Rs.2,000/- per month without considering the documentary evidence produced on record by the petitioner. The learned counsel further submitted that the husband / respondent No.1 earns Rs.45,000/- per month. The petitioner has no source of income. Hence, he requested to allow the writ petition.

3 It is the contention of the learned counsel for respondents that the petitioner works as a nurse in a reputed hospital and she has her own source of income. Considering this fact, the Trial Court has passed appropriate order. No interference is required it. Hence, he requested to dismiss the writ petition.

4 I have heard both the learned counsel. Perused the impugned order passed by the Trial Court. While passing the order, the Trial Court has observed that the applicant is working as nurse and she has her own source of income. On that ground, the Trial Court has granted Rs.2,000/- per month maintenance to the petitioner. It is the contention of the learned counsel for petitioner that the petitioner has no source of income and the petitioner will produce evidence

before the Trial Court for getting more maintenance amount and permission be given to the petitioner to produce evidence before the Trial Court in support of her contention.

5 Considering the submissions of the learned counsel for petitioner, the criminal writ petition is disposed of.

6 All the contentions of both the parties are kept open. The Trial Court shall decide the main maintenance application filed by the petitioner on its own merits. The Trial Court is requested to dispose of the main maintenance application as early as possible.

7 Respondent No.1 shall deposit the arrears of maintenance amount as per Rs.2,000/- per month granted by the Trial Court, before the Trial Court, within two months, if already not paid.

[SHIVKUMAR DIGE, J.]

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