



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1014 CRIMINAL WRIT PETITION NO. 1917 OF 2023

Alauddin S/o Usman Shaikh

...Petitioner

versus

1. Shabana W/o Alauddin Shaikh
2. Arhan s/o Alauddin Shaikh
3. Aahil s/o Alauddin Shaikh

...Respondents

...

Advocate for the Petitioner : Mr. Shaikh Wajeed Ahmed

Advocate for Respondents : Mr. Vikas G. Kodale h/f Mr. V.D.Gunale

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CORAM : SHIVKUMAR DIGE, J.

DATED : 19th JULY, 2024.

PER COURT :-

1. The petitioner has challenged the order dated 13.10.2023 passed by the Judge, Family Court, Latur, below Exh.7 in Petition No. E-184 of 2022.

2. It is the contention of the learned counsel for the petitioner that the respondent No.1 is the wife of the petitioner whereas respondent Nos. 2 and 3 are the sons of the petitioner. Learned counsel further submitted that respondent No.1 has filed an application for getting maintenance before the trial court and the trial court has allowed the application of interim maintenance filed by respondent No.1 and has directed the petitioner to pay Rs.5000/-

p.m. to respondents. Learned counsel further submitted that while passing the said order, the trial court has not considered the documents produced on record and liability of the petitioner, as the petitioner has to maintain his old aged parents and other family members. Hence, requested to allow the writ petition.

3. It is the contention of the learned counsel for the respondents that the petitioner is earning around Rs.12,000/- p.m. The respondents are wife and children of the petitioner. The children are staying with respondent wife. She has no source of income. She is helpless lady. She has to maintain respondent Nos. 2 and 3. She has to bear their educational and other expenses. While passing the impugned order, the trial court has considered all these aspects. No interference is required in it. Hence, requested to dismiss the writ petition.

4. I have heard both the learned counsel. Perused the impugned order. The Respondent No.1 has to maintain the respondent Nos. 2 and 3, who are small children. She has to bear their educational and other expenses as well as she has to maintain herself. She has no source of income. Moreover, the trial court has passed order on application for interim maintenance. The petitioner can produce the evidence in support of his case while hearing the

main application. At present, I do not find any infirmity in the order of the trial court as it is well reasoned order. Considering this fact, I pass the following order:-

O R D E R

- I. Writ petition is dismissed.
- II. All contentions of the parties are kept open. The petitioner can produce evidence in support of his contentions before the trial court.

(SHIVKUMAR DIGE, J.)

rlj/