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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2391 OF 2024**

Anurag Jeevan Aiwale ... Petitioner
vs.
Tejashree Anurag Aiwale and Anr ... Respondents

Mr. Gill Harbhajan Singh, for Petitioner.

Ms. S.K. Gajare, APP for Respondent-State.

CORAM : GAURI GODSE, J.

DATED : 1st OCTOBER 2024

ORDER :-

1. This petition is filed by the husband to challenge the order of interim maintenance granted in the proceedings initiated by the wife under the Protection of Women from Domestic Violence Act, 2005 ('DV Act'). An amount of Rs. 3000/- towards interim maintenance and house rent of Rs. 2000/- is granted. Learned counsel for the petitioner submits that after the marriage the petitioner met with an accident and he had undergone Ligament surgery. He therefore submits that because of the accident, the petitioner is unable to do any job and he has no source of income.

2. Learned counsel for the petitioner therefore submits that since

the petitioner has no source of income, the impugned order is an unjust order which is passed without considering that the petitioner is jobless.

3. I have perused the impugned orders. It is not in dispute that the respondent-wife has no independent source of income. The impugned order is passed in the Interim Application. The main DV proceedings are still pending. Considering the pleadings of the parties, the learned Magistrate has recorded prima-facie findings regarding the respondent-wife's entitlement to interim maintenance. Learned Magistrate has observed that the petitioner's bank statement which was produced on record indicates that he was earning before the accident. It is further observed that the documents of the petitioner's income indicate that the petitioner has shown his income of Rs. 500/- and Rs. 600/- per month. Learned Magistrate has thus observed that the petitioner has not produced any supporting evidence to indicate that he is not working and he has no source of income. Petitioner has produced a discharge certificate which shows that he is already been discharged from the hospital.

4. Thus, in view of the pleadings and documents produced on record, the learned Magistrate has recorded the prima-facie opinion

and passed an order of interim maintenance of Rs. 5000/- which includes house rent. Learned Sessions Court has confirmed the findings recorded by the learned Magistrate. Learned Sessions Judge has observed that there is no clear proof regarding the actual income of the petitioner produced on record. However, considering the standard of living of both parties, the order of interim maintenance granted by the learned Magistrate is confirmed. The impugned order grants a minimal amount towards interim maintenance. I do not find any illegality or perversity in the reasons recorded in the impugned order.

5. Petition is devoid of any merits, hence the petition is dismissed.

(GAURI GODSE, J.)