



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL WRIT PETITION NO.687 OF 2023

Petitioner : Mrs. Madhuri w/o Balaji Goap,
 Aged about 33 years, Occ. Housework,
 R/o. C/o. Smt. Kundatai Manoharrao Ingewar,
 204, Hudkeshwar Road, Mhalgi Nagar, Rajapeth,
 Nagpur.

– Versus –

Respondent : Mr. Balaji s/o Ambadas Goap,
 Aged about 34 years, Occ. Lecturer,
 R/o House No.2781, J. Group, Juna Widi Gharkul,
 Hyderabad Road, Solapur - 413006

 Ms. Anvita Pande, Advocate (appointed) for the Petitioner.
 Mr. Y.D. Shukla, Advocate for the Respondent.

CORAM : **M.W. CHANDWANI, J.**
DATE : **28th MARCH, 2024.**

ORAL JUDGMENT :

Rule. Rule made returnable forth. Heard finally by the consent of the learned Counsel appearing for the parties.

02] By the present petition, the petitioner is challenging the quantum of interim maintenance granted by the Family Court at Nagpur on 30th June, 2023 in Interim Application No.358/2021 in Petition No.E-306/2021.

03] It is necessary to go into the matrix of the case in detail. Suffice to say that the petitioner is living separately and has filed application under Section 125 of the Code of Criminal Procedure for grant of maintenance. Pending the said application, an application for interim maintenance has also been moved. It was heard and by the impugned order, the Family Court has granted interim maintenance of Rs.10,000/- per month only to the petitioner, since the maintenance at the rate of Rs.2,000/- per month for the daughter of the petitioner was already decided by the consent terms. Feeling aggrieved with the quantum of the interim maintenance granted to her, the petitioner has filed the present petition.

04] I have gone through the impugned order. The respondent is serving as an Assistant Professor, is not a disputed fact, rather the respondent himself produced his Salary Certificate for the month of July, 2022 before the Family Court, showing his monthly gross salary and net salary as Rs.85,977/- and Rs.60,398/-, respectively.

05] The grievance of the petitioner is that, she has prayed for interim maintenance of Rs.40,000/- per month.

06] The respondent has objected the petition on the ground that she is an educated lady and she can earn for her livelihood. It is also submitted

that it is an interim arrangement made by the Family Court and final order is yet to be passed. Hence, he sought rejection of the petition.

07] It is a matter of record that maintenance at Rs.10,000/- per month is an interim maintenance and final order is yet to be passed. The purpose of interim maintenance is that till final maintenance is granted, the wife should not remain at starving situation. Be that as it may, considering the monthly net salary of Rs.60,398/- of the respondent, maintenance of Rs.10,000/- per month granted to the petitioner appears to be less in proportionate of the salary of the non-applicant as well as the expenses claimed by the applicant.

08] Taking into consideration this aspect, the interim maintenance requires to be enhanced to Rs.13,000/- per month. Hence, the impugned order is modified to that extent. Needless to mention, since it is an interim maintenance, the trial Court shall not be influenced by the quantum of interim maintenance fixed by this Court and shall decide the maintenance application on its own merits. Both the parties are at liberty to raise their contentions before the Family Court during hearing of the matter.

09] The Secretary to the High Court Legal Services Sub-Committee, Nagpur to quantify and release the professional fees to the learned Counsel

appointed for the petitioner, as per rules.

10] The criminal writ petition stands disposed of. Rule accordingly
with no order as to costs.

(M.W. CHANDWANI, J.)

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