



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 151 OF 2023

GORAKHNATH EKANATH WAKLE
VERSUS
ASHWINI @ ASHA GORAKHNATH WAKLE

...
Advocate for the Petitioner : Mr. N. L. Chaudhari
Advocate for Respondent : Mr. Amol S. Gandhi
...

CORAM : KISHORE C. SANT, J.

DATE : 18-06-2025

PER COURT:-

1. Heard learned counsel for the parties.
2. This writ petition arises out of an interim order directing the petitioner to pay an amount of Rs.5,000/- per month towards *interim* maintenance to the respondent. The petitioner is the husband of respondent. The main ground on which the petition is filed is that the learned trial Judge has not considered the contention of the petitioner that the respondent/wife lives an adulterous life. He relies upon the statements of brother and father of respondent filed in another proceedings, accepting the respondent is leading adulterous life since 2014 and they have caught her red-handed.
3. Learned counsel for the petitioner submits that in view of sub-section (4) of the Section 125 of the Code of Criminal

Procedure, when a wife is leading unchaste and adulterous life, she is not entitled to receive maintenance.

4. Learned counsel for the respondent has vehemently opposed the petition. He submits that the main application is still pending. Till now, no conclusion is drawn, unless the petitioner specifically proves that the wife lives adulterous life, no relief can be denied.

5. After hearing the parties, it is seen that the main ground on which the petition is filed is that the wife is living in adulterous life. This Court finds that no finding can be recorded about adulterous life at the *interim* stage. The amount of Rs.5,000/- does not appear to be exorbitant.

6. Considering the fact that the application is pending since 2021, this Court directs the learned trial Court to decide and dispose of the main proceedings, viz. Criminal Miscellaneous Application No.49 of 2021 pending in the Court of the learned Judicial Magistrate First Class, Kopargaon, District Ahmednagar, as early as possible and in any case within six months from today.

7. With the above directions, the criminal writ petition stands disposed of.

[KISHORE C. SANT]
JUDGE