



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

24 CRIMINAL WRIT PETITION NO. 223 OF 2025

MOHD ISMAIL MOHD IBRAHIM

VERSUS

RUKHSANA BEGUM W/O MOHD ISMAIL AND OTHERS

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Advocate for the Petitioner : Mr. Hande Avinash D.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 01.04.2025

PER COURT :-

1. Petitioner is challenging order dated 09.01.2024 below Exh.5 in Petition No.E-125 of 2022 awarding interim maintenance of Rs.6,000/- to each minor child which comes to Rs.18,000/- per month.

2. Learned counsel for the petitioner submits that impugned order is unreasonable, exorbitant and against the material on record. He submits that respondent No.1/wife sold the house which was purchased jointly and still she is claiming maintenance. My attention is adverted to findings recorded in paragraph No.7. It is contended that though petitioner showed his readiness to share liability of Rs.10,000/- towards the children, impugned order is passed imposing onerous liability.

3. Impugned order is passed on 09.01.2024 and present petition is filed on 21.02.2025, after more than one year. The delay and laches have not been explained by the petitioner. By the impugned order, petitioner is directed to pay Rs.6,000/- each to respondent Nos.2 to 4. No liability of payment of maintenance to the respondent/wife is imposed, considering her source of income. The impugned order shows that reasonable and plausible view is taken by learned Judge.

4. I do not find that any case is made out to cause interference with interlocutory order. Respondent No.1/wife is rightly deprived of any interim maintenance considering income from her services. Even though it is accepted that she sold the house, it was for the Education and up bringing of minor children. The petitioner is working as a Head Master cannot be overlooked. I do not find any merit in the petition.

5. Writ petition stands dismissed.

(SHAILESH P. BRAHME, J.)

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vmk/-