



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

CRIMINAL WRIT PETITION NO. 315 OF 2025

Sitaram Pramod Jagtap

.. Petitioner

Versus

Priyanka Sitaram Jagtap

.. Respondent

Shri Vijay S. Wakale, Advocate for the Petitioner.

CORAM : SHAILESH P. BRAHME, J.

DATE : 18TH MARCH, 2025.

FINAL ORDER :

. Petitioner-husband is challenging order dated 10.02.2023 of the Trial Court granting interim maintenance of Rs. 6,000/- per month to the respondent and the judgment and order of the Appellate Court dated 05.12.2023 passed in P.W.D.V.A. Appeal No. 34 of 2023.

2. Learned counsel Mr. Wakale for the petitioner submits that the respondent failed to prove that she was refused and neglected by the petitioner. No documentary evidence was produced regarding the assets and the income of the petitioner. It is submitted that both the Courts below failed to appreciate the submissions made by the petitioner before the Trial Court as well as Appellate Court. It is further submitted that the respondent is also graduate and able bodied and she is not entitled to any maintenance. It is vehemently submitted that the respondent

has paramour and she is in extra marital relation. Without any sufficient cause she left the company of the petitioner. He would further submit that the petitioner has no source of income, though he has completed B. D. S. He is preparing for competitive examination. He is not owner of any specific portion of land. Hence it is unreasonable to impose liability of maintenance upon the petitioner.

3. I have gone through the order passed by the Trial Court dated 10.02.2023 and the order dated 05.12.2023 passed by the lower Appellate Court. Both the Courts below have taken reasonable and plausible view in the matter and arrived at proper conclusion. I do not find that there is any perversity or patent illegality in granting maintenance to the respondent. Under the scheme of the Act while considering claim of the maintenance what is relevant, is domestic violence caused to aggrieved person. The parameters of Sec. 125 of the Cr. P. C. cannot be made applicable to the proceedings under the Protection of Woman from Domestic Violence Act. The submission of the petitioner in respect of extra marital relationship can be dealt with during the course of hearing of main application. That is not decisive for determination of liability to pay maintenance and quantum thereof.

4. There is prima facie evidence of entitlement of the respondent for the interim maintenance. Accordingly quantum

of the maintenance is reasonable. I find no substance in the writ petition. The criminal writ petition is disposed of.

5. The petitioner shall be at liberty to request the jurisdictional Magistrate to expedite the matter.

[SHAILESH P. BRAHME J.]

bsb/March 25