



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

**63 CRIMINAL WRIT PETITION NO. 666 OF 2025
WITH
CRIMINAL APPLICATION NO. 3018 OF 2025
IN WP/666/2025**

BASAPPA ALIAS BASVARAJ VILAS BIRAJDAR
VERSUS
DIPALI BASAPPA ALIAS BASAVRAJ BIRAJDAR

Mr. Fayaz K. Patel, Advocate for the petitioner.
Mr. S.P. Sawant, Advocate for sole respondent.

CORAM : KISHORE C. SANT, J.
DATE : 18.08.2025

PC :-

01. The challenge in this petition is to an order dated 19.08.2024 passed by the learned Judge, Family Court, Latur in Petition No. E 06/2023. The learned Judge by way of the impugned order has directed the present petitioner – husband to pay to the respondent – wife an amount of Rs.15,000/- per month towards interim maintenance in a proceeding filed under section 125 of the Cr.P.C.

02. It is case of the petitioner-husband that he earns hardly Rs. 55,000/- per month. He is required to reside at Mumbai where huge expenses are required to be incurred every month. It is further case that even the wife is earning. She does not require any maintenance amount

from the husband, being a self-sufficient lady. The amount of Rs. 15,000/- be reduced considering income of the husband.

03. Learned Advocate Mr. Sawant vehemently opposes the petition. He submits that the wife is not earning. In the title clause of the petition itself the husband has given her status as house wife. He further submits that though it is expected of the petitioner-husband, he has not yet filed on record statement of assets and liabilities. The Trial Court, therefore, rightly relied upon affidavit filed by the wife. The wife had already stated in her application that the husband is earning salary of Rs.90,000/- per month. In addition to salary, he also gets income from agricultural land. He thus submits that there is no reason to interfere with the impugned order.

04. Heard both the sides. This Court finds that the order is only interim order. It is case of the wife that the salary of the husband is around Rs. 90,000/- per month. As per husband's own statement, his salary is Rs. 55,000/-. This Court finds that the amount of maintenance awarded is less than 1/3rd of the amount of salary. This Court need not go into other aspects at this stage. This Court finds no illegality or perversity in the order passed by the learned Trial Judge. This Court is,

therefore, not inclined to entertain this writ petition.

05. This Criminal Writ Petition, therefore, stands dismissed.

06. So far as Criminal Application No. 3018 of 2025 is concerned, same is filed by the wife for withdrawal of amount deposited by husband in the office of this Court. This application is vehemently opposed by the learned Advocate appearing for the husband. He submits that the rights of the parties are not yet finalized. Therefore, it would not be proper to allow this application.

07. In view of dismissal of Criminal Writ Petition, the applicant-wife is permitted to withdraw the amount. The amount deposited in the office of this Court shall be transferred to the Trial Court. The Trial Court to allow the wife to withdraw the said amount without requiring any independent application to that effect. The Criminal Application is accordingly disposed off.

[KISHORE C. SANT, J.]