



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

924 CRIMINAL WRIT PETITION NO. 1104 OF 2021

**SUNIL MOHANRAO SHINDE AND OTHERS
VERSUS
ASHWINI W/O. SUNIL SHINDE AND ANOTHER**

....
Mr. S. S. Patunkar, Advocate i/b J. P. Legal Associates for the
Petitioners

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 08.05.2025

ORAL ORDER :-

1. Rule. Rule made returnable forthwith.
2. Heard Mr. Patunkar, the learned counsel appearing for the Petitioners at length. Though the respondent Nos. 1 and 2 are served, they failed to appear. However, Mr. A. K. Bhosale, the learned counsel was appointed through the Legal Aid, on behalf of the respondents, but he remained absent.
3. By the present petition, the petitioners take exception to the judgment and order dated 03.09.2021 passed by the

learned Additional Sessions Judge, Court No.4, Aurangabad, in PWDVA Appeal No.38 of 2020, whereby affirmed the order dated 07.02.2020 passed below Exh.4 in PWDVA No.18 of 2019 by the learned J.M.F.C. Paithan, thereby granted interim maintenance of Rs.2,500/- per month in favour of the present respondents/original applicants.

4. On face of record, it is not in dispute that on 07.05.2017, the marriage between the petitioner and respondent No.1 was solemnized as per the custom and rights prevailing in their society. It is also undisputed fact that respondent No.2 is outcome of matrimonial relations between the petitioner and respondent No.1. Respondent No.1 filed an application under Section 12 of the Protection of Women from Domestic Violence Act and claimed that she has been subjected due to domestic violence raised at the hands of the petitioner. It is also evident that respondent No.1 was dropped at her parental house by the petitioner for first delivery and on 31.08.2018, respondent No.1 delivered the respondent No.2 child and since then, the petitioner failed to take the respondents for cohabitation. The respondents also filed an application Exh.4 and prayed for interim maintenance.

5. On 07.02.2020, the learned J.M.F.C., passed an order and directed the present petitioner to pay Rs.2,500/- to respondent No.1 and her minor child respondent No.2 towards interim maintenance. Being aggrieved by the said order, the petitioner/husband approached before the appellate Court by filing PWDVA Appeal No.38 of 2020.

6. On 03.09.2021, the learned Additional Sessions Judge-4, Aurangabad, passed the impugned order and dismissed the appeal. Considering the daily needs and special need of the child i.e. respondent No.2, which is not appeared to be illegal and bad in law. The findings of both the Courts does not illegal and perverse, therefore, I do not find to interfere with the findings of both the Courts below.

7. The Writ Petition is therefore, dismissed. Rule discharged.

[Y. G. KHOBRADE, J.]

SMS