

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.488 OF 2024

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Sagar Laxman Badhe

...Petitioner

Versus

Poonam Sagar Badhe

...Respondent

Mr. Priyal G. Sarda, for the Petitioner.

CORAM: MADHAV J. JAMDAR, J.

DATED: 13 FEBRUARY 2025

P.C.:

1. Heard Mr. Sarda, learned Counsel for the Petitioner.
2. The challenge in the present Writ Petition filed under Article 227 of the Constitution of India is to the Order dated 27th September 2023 passed by the learned 4th Joint Civil Judge, Senior Division, Pune below Exhibit – 16 in M. P No.288 of 2021 (“**impugned Order**”).
3. By the impugned Order, the amount of Rs.15,000/- each has been granted to the Respondent and the child towards interim monthly maintenance from the date of the Application. In the impugned Order, the learned Judge has observed that the Petitioner has stated that he is having total loan of Rs.1,60,19,509/- from different banks. The learned Judge has taken into account the fact that if financial institution grants such huge loan to the Petitioner, then the Petitioner’s income is much

more. Thus, the learned Trial Court has taken possible view of the matter.

4. Mr. Sarda, learned Counsel for the Petitioner pointed out Paragraph (J) of the Writ Petition, wherein it is stated that 50% of the loan has been taken by the Petitioner's father and 50% by the Petitioner himself. In any case, even assuming that the loan taken is about Rs.80,00,000/- i.e. 50% of the total loan taken then also the observations of the learned Trial Court that the fact that such huge loan is granted by the financial institution shows that the borrower has capacity to repay the said loan and therefore the income is much more will apply.

5. Thus, no interference in the impugned Order under the jurisdiction of this Court under Article 227 of the Constitution of India is warranted.

6. Accordingly, the Writ Petition is dismissed, however, with no order as to costs.

[MADHAV J. JAMDAR, J.]