



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.125 OF 2024

Shrikrushna Sukhdev Kharde .Vs. Dipali Shrikrushna Kharde W/o Shri Shrikrushna
Sukhdev Kharde

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.M. Jaltare, Advocate for petitioner.

Shri R.N. Ghuge, Advocate for respondent.

CORAM : ANIL S. KILOR, J.

DATED : 21/02/2025

1. Heard.

2. The order dated 30.06.2013 passed by the learned Judicial Magistrate First Class, Court No.2, Deulgaon Raja, granting Rs.6,000/- interim maintenance to the wife and Rs.6,000/- maintenance to the son per month, was the subject matter of challenge before the learned Additional Sessions Judge, Buldhana, in Criminal (PWDV) Appeal No.18 of 2023, which came to be dismissed vide order dated 20.11.2023. Thus, both the orders are under challenge in the present writ petition.

3. The learned Judicial Magistrate First Class, Deulgaon Raja, while granting interim maintenance to the respondents recorded the findings in Paragraph-21 as regards the availability of *prima facie* evidence of domestic

violence. The said findings have been confirmed by the Appellate Court. Furthermore, both the Courts, after considering the record, have concurrently held that the petitioner's salary is Rs.1,27,722.84/-, whereas his net income is Rs.44,562/-.

4. The learned counsel for the petitioner submits that both the Courts below failed to consider that the respondent No.1 is doing a business. It is submitted that, a partnership deed was executed in the year 2017 which was placed on record to substantiate that the respondent No.1 is doing a business.

5. It is further submitted that even the income from the agricultural land has not been considered. It is further argued that the income tax return was filed on record which shows that the respondent No.1 is having sufficient income to maintain herself. Lastly, it is argued that respondent No. 1 is qualified and holding a degree in BAMS (Bachelor of Ayurvedic Medicine and Surgery).

6. In the above referred backdrop, having gone through the record, it is evident that the income tax return filed on record is of the year 2018 and there is no other evidence produced of the recent period to show that the respondent No. 1 is having any income. As far as agricultural land, no evidence is produced.

7. In the circumstances, considering the fact that both the Courts below have recorded the concurrent findings that *prima facie* there is evidence to show that the respondent No.1 suffered the domestic violence and further considering the net income of the petitioner, I am of the opinion that, the interim maintenance granted to the respondents is just and proper.

8. As far as the petitioner's case that the allegations of domestic violence are false, is concerned, it is a matter of trial and only after leading the evidence, the Court can reach to definite conclusion in this regard.

9. In the circumstances, considering the reasons recorded by the Courts below, I am of the opinion that there is no perversity committed by the Courts below in granting interim maintenance to the extent of Rs.6,000/- each, to the respondents. Accordingly, the writ petition is **dismissed**.

10. At this stage, learned counsel for the petitioner prays to expedite the trial. The prayer is accepted. The learned trial Court is directed to expedite the trial.

JUDGE