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

CRIMINAL WRIT PETITION NO.174 OF 2024

Sanjay S/o Kisan Shegokar,
Age: 40 years, Occupation : Owner/Driver
R/o Chikhalgaon, Taluka Patur,
District Akola.

.... PETITIONER

// VERSUS //

Sau. Sarla Sanjay Shegokar,
Age:33 Occupation : Household,
R/o Ramkrushna Motiram Bhatkar,
Near New Kirana Market, Shivsena,
Vasahat Akola,
Taluka & District Akola.

.... RESPONDENT

Mr. Pranav Saliokar, Counsel h/f Mr. U. J. Deshpande, Counsel
for the petitioner.
Mr. Mohan Vishnu, Counsel h/s Mr. S. K. Wankhade, Counsel
for the respondent.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 24.07.2025

ORAL JUDGMENT :

1. **Rule.** Rule made returnable forthwith. By consent of parties, heard finally.
2. By this writ petition, the petitioner has challenged the order of grant of interim maintenance at the rate of Rs.3,000/- per month to the present respondent.
3. As per the contention of the petitioner, the marriage between him and the respondent was performed on 24.04.2003 as per the Hindu rites and customs. After marriage, she resumed the

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cohabitation at the house of the present petitioner and she begotten three children from the said wedlock. As per her contention, in the marriage, her parents have incurred the expenses, thereafter also she was ill-treated by the present petitioner and his family members by demanding the amount of Rs.2,50,000/- as she was unable to pay the amount therefore, she was constrained to leave the matrimonial house as she was abused and assaulted by the petitioner. She further contended that the present petitioner has also suspected her character that was also one of the reason to leave the matrimonial house. After she left the matrimonial house, the present petitioner has not paid any provisions for her maintenance and therefore, she has to take shelter at her parent's house and was staying at the mercy of her parents and therefore, she filed an application for grant of maintenance bearing No.3894/2020.

4. The petitioner by filing reply denied the contentions and submitted that it was the respondent who has left the matrimonial house at her own, as she was not willing to reside in a village along with the petitioner and therefore, she is not entitled for any maintenance. It is further contended by the petitioner that she is doing the labour work and earning for her livelihood. On the contrary, the present petitioner is maintaining the three children therefore, she is not entitled for any maintenance.

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5. Learned Judicial Magistrate First Class, after hearing both sides and on perusal of the pleadings, granted maintenance at the rate of Rs.3,000/- per month to the present respondent. Being aggrieved and dissatisfied with the same, the present petitioner preferred an appeal under Section 29 of the Protection of Women from domestic Violence Act, 2005, but the same came to be dismissed and therefore, the present writ petition.

6. Heard learned Counsel for the petitioner, who reiterated the said contentions and submitted that the present petitioner is doing a labour work and hardly earning Rs.200/- to 250/- per day. He has no sufficient means to grant separate maintenance to the present respondent. Moreover, he is ready to cohabit with the present respondent, but the respondent who has left the matrimonial house without any sufficient reason and therefore, she is not entitled for maintenance. He further submitted that she is earning for her livelihood and therefore, she is not entitled for any amount towards maintenance.

7. Learned Counsel for the respondent has supported the order passed by the learned Judicial Magistrate First Class and submitted that considering the income of the present petitioner, the order of granting maintenance at the rate of Rs.3,000/- is just and proper. On the contrary, it is very meager amount in the light of the fact that prices of essential commodities are touching to the sky.

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8. On hearing both sides and on perusal of the proceedings, the contention of the present respondent is that after marriage, she was ill-treated for the demand of Rs.2,50,000/- and therefore, she was constrained to leave the matrimonial house. The another ground raised by her that the present petitioner has also suspected her character therefore, she could not live a married life with the present petitioner and therefore, she constrained to file the application for grant of maintenance. This contention though denied by the petitioner, but it reveals from the pleading that he is doing the labour work and admittedly, the three children also staying with him. Even accepting the contention of the present petitioner that he is maintaining his children as well as he is shouldering the family responsibility of his parents, as he has to incur the expenses towards the medication of his parents, then also the responsibility of the wife cannot be denied and she cannot be deprived from getting the maintenance. Even accepting the contention that he was doing the labour and by applying the Minimum Wages Act then also his income comes to Rs.6,000/- per month and therefore, the contention of the learned Counsel for the petitioner that he is not having sufficient means to grant maintenance is not sustainable. Even it is accepted that he is doing a labour work, nowadays, a labour also get Rs.300/- to Rs.400/- per day even in the village.

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9. The law with respect to decide the amount of permanent alimony is settled by various decisions of the Hon'ble Apex Court in the case of **Kiran Jyot Maini Vs. Anish Pramod Patel** reported in **(2024) 7 SCR 942** wherein the Hon'ble Apex Court has considered the facts as follows:

"The status of the parties is a significant factor, encompassing their social standing, lifestyle, and financial background. The reasonable needs of the wife and dependent children must be assessed, including costs for food, clothing, shelter, education, and medical expenses. The applicant's educational and professional qualifications, as well as their employment history, play a crucial role in evaluating their potential for self-sufficiency. If the applicant has any independent source of income or owns property, this will also be taken into account to determine if it is sufficient to maintain the same standard of living experienced during the marriage. Additionally, the court considers whether the applicant had to sacrifice employment opportunities for family responsibilities, such as child-rearing or caring for elderly family members, which may have impacted their career prospects."

10. In the case of **Rajnish Vs. Neha and another** reported in **(2021) 2 SCC 324**, wherein the Hon'ble Apex Court has elaborated upon the broad criteria and the factors to be considered for determining the quantum of maintenance. The Hon'ble Apex Court emphasizes that there is no fixed formula for calculating maintenance amount; instead, it should be based on a

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balanced consideration of various factors. These factors are as follows:

- i. Status of the parties, social and financial.*
- ii. Reasonable needs of the wife and dependent children.*
- iii. Qualifications and employment status of the parties.*
- iv. Independent income or assets owned by the parties.*
- v. Maintain standard of living as in the matrimonial home.*
- vi. Any employment sacrifices made for family responsibilities.*
- vii. Reasonable litigation costs for a non-working wife.*
- viii. Financial capacity of husband, his income, maintenance obligations, and liabilities.*

11. In the light of the above factors narrated by the Hon'ble Apex Court if the facts of the present case are taken into consideration, admittedly, the learned Judicial Magistrate First Class has granted maintenance to the respondent at the rate of Rs.3,000/-per month by considering the income of the present petitioner. The petitioner though shouldering the family responsibility, including children and parents, but the responsibility of wife which he cannot deny. Nowadays, the prices of essential commodities are touching to the sky. She has to incur the expenses towards her daily needs, her maintenance, clothing etc. and therefore, grant of maintenance at the rate of Rs.3,000/- per month is not exhaustive or exorbitant one. On the contrary, it is a reasonable order passed by the learned Judicial Magistrate First

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Class and therefore, no interference is called for. In view of that, the writ petition deserves to be dismissed. Accordingly, I proceed to pass following order:

ORDER

(i) The writ petition is dismissed.

Rule is discharged.

(URMILA JOSHI-PHALKE, J.)

Sarkate.