



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO.172 OF 2024

AMOL S/O MADHUKARRAO INGALE
 VS
 AMRUTA W/O AMOL INGALE AND ANOTHER

*Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders.*

Court's or Judge's order

Mr. J.K. Matala, Advocate for the petitioner/s
 Mr. P.S. Kadam, Advocate for the respondent Nos.1 and 2

CORAM : ANIL S. KILOR, J.

DATE : 07th FEBRUARY, 2025

1. The order below Exh.15 dated 20.09.2023 is under challenge, whereby the learned Family Court, Yavatmal in petition ER No.30 of 2023 issued direction for attachment of salary of the petitioner to the extent of Rs.10,000/- per month till the recovery of Rs.3,81,000/-.

2. The reasons recorded in the order show that the attachment of salary was permitted in view of the order dated 23.01.2023 passed in Criminal Revision Application No.03 of 2019, whereby the order dated 30.09.2016 passed by the learned Judicial Magistrate First Class, Court No.6, Yavatmal, directing the petitioner to pay Rs.8,000/- to the wife and Rs.1,500/- per to the daughter, per month, as maintenance and Rs.2,000/- towards expenses, came to be set aside and the matter was remanded back for fresh hearing with direction to pay Rs.3,000/- to the wife and Rs.1,000/- to the daughter, per month, towards interim

maintenance. In the order of the Revisional Court, it is specifically observed that this interim arrangement is to operate during the pendency of the original application for grant of maintenance.

3. Thus, the amount which is supposed to be paid by the petitioner is from the date of order in the revision application i.e. from 23.01.2023 @ Rs.4,000/- per month which comes to Rs.32,000/-. However, the respondents wrongly calculated the amount from the date of filing of the application to the tune of Rs.3,81,000/-.

4. Thus, it is evident that the learned Family Court has committed error in considering the defaulted amount as Rs.3,81,000/-. Whereas, it was Rs.32,000/-.

5. It is pointed out that as per the order attachment, the amount of Rs.10,000/- has been deducted every month till date. Accordingly, I pass the following order:

(i) The writ petition is **partly allowed**.

(ii) The order dated 20.09.2023 passed by the learned Family Court, Yavatmal in Petition ER No. 30 of 2023 is hereby modified and it is directed that the salary of the petitioner shall be attached to the extent of Rs.4,000/- per month till the decision in the Petition ER No. 30 of 2023.

(iii) It is further made clear that after the final decision in the Petition ER No.30 of 2023, the amount already attached from the salary of the

petitioner is found to be excess, the same shall be adjusted in future alimony, if granted or otherwise the excess amount be paid back to the petitioner by the Respondents.

6. The petition is **disposed of** accordingly.

(ANIL S. KILOR, J.)