



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

CRIMINAL WRIT PETITION NO.479 OF 2024

Atul S/o Haribhau Patil .Vs. Sau. Pornima W/o Atul Patil

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

Court's or Judge's Order

Shri S.K. Patil, Advocate for petitioner.

Shri R.G. Somkuwar, Advocate for respondent.

CORAM : ANIL S. KILOR, J.

DATED : 21/02/2025

1. Heard.

2. Grant of interim maintenance under Section 125 of the Code of Criminal Procedure by the learned Family Court, (Court No.3), Nagpur, vide order dated 29.04.2024, is under challenge in this petition.

3. The learned Family Court granted Rs.4,000/- towards interim maintenance to the respondent. On a specific query put to the petitioner, the learned counsel for the petitioner fairly states that the affidavit of asset and liability was not filed before the learned Family Court. The learned counsel for the petitioner submits that the petitioner is not in a position to pay the amount of interim maintenance. However, nothing is pointed out about his income or no argument is made to show that the respondent

is not entitled to receive this amount towards interim maintenance.

4. In absence of any such evidence produced by the petitioner either to show that the respondent is not entitled to receive this amount or the Court has not considered the income of the petitioner, I do not find any perversity in the order.

5. From the argument of the learned counsel for the petitioner, it is evident that the petitioner is working as a Driver. Thus, considering the reasons recorded by the Court while granting Rs.4,000/- as interim maintenance, I am of the opinion that, the impugned order is just and proper and needs no interference.

6. Accordingly, the petition is **dismissed**.

JUDGE