



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

CRIMINAL WRIT PETITION NO. 987 OF 2024

PETITIONER

Neha Vipul Saraf,
Aged about 25 years, Occu: Homemaker,
R/o c/o Gyaneshwar Kadam, Shivaji
Nagar, Control, Wadi, Nagpur.

-VERSUS-

RESPONDENT

Vipul s/o Suresh Saraf,
Aged about 30, Occu: Government Job,
R/o Renuka Nagar, Galli No.4, Dabki
Road, Akola.

Mr. Harshwardhan Chawhan, counsel for petitioner.
Mr. Saurabh Singha, counsel for respondent.

CORAM : M.M. NERLIKAR
DATED : 07/10/2025

ORAL JUDGMENT :

1. Heard.
2. **RULE.** Rule is made returnable forthwith. Heard finally with consent of the learned counsel appearing for both the

parties.

3. The writ petition is filed under Article 227 of the Constitution of India challenging the judgment and order passed by the learned Principal District and Sessions Judge, Nagpur dated 21/03/2024, in Criminal Revision Application No.333/2023. By the said judgment, the criminal revision application filed by the present petitioner was allowed, and the interim maintenance granted by the trial Court was enhanced by Rs. 1,000/-, thereby granting a total amount of Rs. 5,000/- per month to the applicant.

4. The learned counsel for the petitioner submits that both the Courts, by way of interim arrangement, have granted a meager amount of Rs. 4,000/- and Rs. 5,000/- per month respectively to the petitioner. He further submits that respondent is drawing a handsome salary of around Rs. 75,000/-, which is evident from the salary slip of July-2024. Even the salary statement for the month of March 2024 discloses a net salary of approximately Rs. 57,500/-.

5. On the other hand, the learned counsel appearing for the respondent submits that the issue may be put to rest by directing the trial Court to decide the main proceedings itself. It

was submitted that the husband is serving as a Soldier in the Directorate General Board Security Force (BSF), under the Government of India, Military Department, and is drawing a salary of approximately Rs. 50,000/- per month. He further submits that there are statutory deductions from the respondent's salary, and he has availed a loan of Rs. 12,00,000/-, for which EMI deductions are also being made.

6. Upon hearing the rival contentions of the parties, the ends of justice would be served if the amount is enhanced by Rs. 5,000/- taking the interim maintenance to a total of Rs. 10,000/-. Undoubtedly, Rs. 5,000/- which was granted by the Revisional Court is a meager amount. As was reiterated by the Supreme Court in the case of *Kalyan Dey Chowdhary Vs Rita Dey Chowdhury Nee Nandy* reported in Civil Appeal No. 5369 of 2017 (Arising out of SLP(C) No. 34653 of 2016 decided on 19/04/2017, the 25% of husband's net salary would be just and proper to be awarded as maintenance. However, as the main proceedings are still pending, as an interim arrangement Rs. 10000/- according to me would be sufficient at present. Needless to mention that, I have not decided rights of the parties in this petition, so far as maintenance is

concerned and therefore, trial Court shall not be influenced by the observations of this court. Accordingly, I proceed to pass the following order:

ORDER

- a] The writ petition is partly allowed.
 - b] The order to the extent of Rs. 5000/- is modified to Rs. 10,000/-.
 - c] The trial Court is requested to conclude the trial within six months from filing of the writ petition.
 - d] Needless to mention that, whatever interim maintenance is granted that would be adjusted as and when the final order is passed.
7. Rule is made absolute in the above terms. No order as to costs.

[M.M. NERLIKAR, J.]