



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

CRIMINAL WRIT PETITION NO. 959 OF 2025

NILESH S/O VINOD PATIL

Vrs.

SMT. NABHA W/O NITESH PATIL AND ANOTHER

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

Court's or Judge's Order

Shri S. S. Deshpande, Advocate for petitioner.
Shri C. A. Anthony, Advocate for respondent Nos.1 and 2.

CORAM: M. M. NERLIKAR, J.

DATE : 19/12/2025.

1. Heard the learned counsel for petitioner as well as learned counsel for respondents.
2. The petitioner by present writ petition challenges the order passed on 29/12/2023 by the Family Court, Nagpur.
3. Learned counsel for the petitioner submits that the petitioner – husband was not served with the notice and without hearing the petitioner, amount of Rs.8,000/- was granted to the wife and child (Rs.5,000/- + Rs.3,000/-) respectively by the Family Court as an interim maintenance under Section 125 of the Code of Criminal Procedure.
4. Per contra, learned counsel appearing for the respondents submits that the contentions which are raised by the petitioner in the present petition can be raised at the time of main petition, which is pending before the

Trial Court. He further submits that the petitioner is getting a handsome salary of Rs.80,000/- per month and a very meagre amount of Rs.8,000/- was granted to the respondents and therefore, he submits that the petition is devoid of merits.

5. It appears that proceedings under Section 125 of the Code of Criminal Procedure is initiated by the wife for getting maintenance amount. The marriage between the couple was solemnized on 23/12/2013 and a rift arose between the parties, therefore, they started residing separately.

6. It further appears that the respondent has contended that the petitioner is getting Rs.80,000/- per month which is disputed by the learned counsel appearing for the petitioner and submitted that he is getting an amount of Rs.47,640/- per month. As could be gathered from the record that, there is observation of the trial Court that there is no counter from the side of respondent as he chose to remain absent and therefore, ex-parte order of maintenance was passed.

7. After considering rival submissions, in my opinion, amount of Rs.8,000/- (Rs.5,000/- to the wife and Rs.3,000/- to the minor son) is not an exorbitant amount which was granted by the Trial Court as interim maintenance in today's economy.

8. Without going into further merits and contention of the parties, I am of the opinion that the Trial Court has not committed any perversity or error by

granting Rs.8,000/- as interim maintenance. Needless to mention that the Trial Court is requested to expedite the proceedings of main matter.

9. The writ petition is disposed of in above terms.

[M. M. NERLIKAR, J.]

Choulwar