



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 896 OF 2025

**MAHADEV VASANT PATIL
VERSUS
RANI MAHADEV PATIL**

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Advocate for Petitioner : Mr. Sushant Baburao Choudhari

Advocate for Respondent : Mr. Shriram Deshmukh

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CORAM : MEHROZ K. PATHAN, J.

DATE : 23rd APRIL 2026

PER COURT :

1. Not on board. Mentioned. Taken on board.
2. The present petition is filed by the Petitioner challenging the judgment and order dated 22.02.2024 passed by the learned Family Court, Parbhani, below Exhibit-5 in E-Petition No. 306/2020, whereby exorbitant interim maintenance was granted without considering the evidence placed on record by the Petitioner.
3. The learned Counsel for the Petitioner submits that the Petitioner was earlier employed with Twarita Devi Matimand Nivasi Vidyalaya at Aurangabad. However, since the said school was closed in September 2020, the Petitioner was transferred to Kamyani School for the Mentally Handicapped, Nigadi, Pune, with effect from 17.10.2022. Subsequently, the affiliation of the said school was

canceled by orders of the Commissioner for Disability Welfare, Pune, and hence the Petitioner has been facing difficulties in receiving salary.

4. The Respondent is well-educated and has completed her graduation in the Faculty of Arts with subjects such as Hindi, Sociology, and Geography. She also holds a Master's degree in Hindi and has completed a Bachelor of Education. Thus, the Respondent/Wife is more qualified than the Petitioner. The Petitioner has never neglected the Respondent. However, the Respondent left the Company on her own. Hence, she is entitled to maintenance.

5. The learned Counsel for the Petitioner further submits that the Family Court, Parbhani, has already directed the deduction of an amount of Rs. 1,60,000/- at the rate of Rs. 15,000/- per month from the salary of the Petitioner until the entire recovery of the said amount. The Petitioner is thus being harassed by the Respondent/Wife. The Petitioner also has aged parents to maintain, and the interim maintenance granted by the Family Court is exorbitant, having been awarded without considering the liabilities of the Petitioner. The learned Counsel for the Petitioner therefore prays for setting aside the impugned order dated 22.02.2024, which grants Rs. 8,000/- per month to the Applicant/Wife and Rs. 4,000/- per month to the child as interim maintenance during the pendency of the application under Section 125 Cr.PC.

6. As against this, the learned Counsel for the Respondent strongly opposes the present petition on the ground that the impugned order is just and proper. The learned Trial Court has taken into consideration the documents placed on record and found that although the school was claimed to have been closed from 08.09.2020 by the Petitioner, the pay slip of October 2023 revealed that, after all deductions, the Petitioner received a salary of Rs. 49,293/- in that month. This clearly shows that the Petitioner was drawing a salary of around Rs. 50,000/- per month. The learned Trial Court therefore rightly directed the Petitioner to pay an amount of Rs. 8,000/- per month towards the wife and Rs. 4,000/- per month towards the child. The impugned order is only an interim order of maintenance and not a final order of maintenance. The Petitioner/Respondent is in arrears of the interim maintenance. The Petition is devoid of substance and merits and is liable to be rejected.

7. I have gone through the impugned order dated 22.02.2024 passed by the learned Family Court, Parbhani, below Exhibit-5 in E-Petition No. 306/2020. I have also examined the proceedings filed by the Petitioner under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. I have further considered the interim order passed by this Court on 07.07.2025, whereby the Petitioner was directed to pay an amount of Rs. 10,000/- per month towards maintenance of both wife and child and deposit 50% of the arrears.

. I have also perused the order cancelling the registration of the school in which the Petitioner was employed, issued by the

Commissioner, Handicapped Welfare, Pune. Though this fact was noted by the learned trial Court, the Court also took into consideration that the Petitioner was receiving a salary of approximately Rs. 50,000/-. The Petitioner has contended that he has the liability of maintaining his aged parents who reside with him. Thus, taking into consideration that the Petitioner has deposited 50% of the arrears amounting to Rs. 62,500/- as per the interim order dated 07.07.2025, and that he has been regularly paying Rs. 10,000/- per month in compliance with the said order, I am inclined to quash and set aside the impugned order with a further direction to the Petitioner to continue following the interim order dated 07.07.2025. Considering the facts and circumstances mentioned hereinabove, the interim order dated 07.07.2025, and the conduct of the Petitioner in complying with the said order, as well as the undertaking given to this Court that he will deposit the remaining arrears of Rs. 62,500/- within two weeks from the date of this order, I am inclined to modify the impugned order dated 22.02.2024 with further directions as under :

ORDER

- (i) The Criminal Writ Petition is allowed.
- (ii) The Petitioner shall deposit remaining 50% amount of arrears i.e. Rs.62,500/- within a period of two months from today.
- (iii) The Petitioner shall continue to deposit the amount of Rs. 10,000/- per month as directed by this Court vide interim order dated 07.07.2025 regularly without fail.

(iv) Failure on the part of the Petitioner to comply with the aforesaid directions shall be taken adversely by the Family Court while deciding the main application afresh.

(v) The learned Judge, Family Court is requested to make an endeavour to dispose of the pending proceedings within a period of eight months from today.

MEHROZ K. PATHAN
JUDGE

NATJEES..