



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

CRIMINAL WRIT PETITION NO. 985 OF 2025

Shri. Jabbar Ali Faizu Ali

-- VERSUS --

Smt. Fatima Jabbar Ali

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

Court's or Judge's orders.

Ms. Shital V. Dhawas, Advocate for the Petitioner.

Mr. Syed Salman Ali, Advocate a/w. Mr. F.A. Kashif, Advocate
for the Respondent.

CORAM : M.M. NERLIKAR, J.

DATE : MARCH 24, 2026.

Heard.

2. The challenge is made to the order of interim maintenance granted by the Family Court, Yavatmal, dated 25/06/2025 wherein Rs.4,000/- per month was directed to be paid as interim maintenance from the date of filing of the application, i.e., 14/01/2025, till the disposal of main petition.

3. The learned counsel for the petitioner submits that already the respondent-wife is residing in the house constructed by him. She further submits that the petitioner was thrown out from the house by wife and son. Now he is living alone. He is 81 years of age. He has already made fixed deposit of Rs.22,00,000/- in favour of the respondent-wife. She further submits that the petitioner was required to

file application under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, and accordingly, the Competent Authority has passed the order granting maintenance of Rs.5,000/- per month against sons and, therefore, she submits that the petitioner is having no means and the Court has erred in directing the petitioner to pay interim maintenance of Rs.4,000/- per month. The learned counsel further submits that whatever the petitioner had earned during his lifetime has been donated to one trust, and nothing remains with the petitioner.

4. On the other hand, the learned counsel appearing for the wife vehemently opposed the petition and submits that not a singly penny has been paid by the petitioner, though he was directed to pay Rs.4,000/- from the date of filing of the application, i.e., from 14/01/2025. He submits that now the arrears are more than Rs.60,000/-. He further submits that the contention which was raised in respect of fixed deposit is absolutely incorrect. When the wife was living with the petitioner, at that time itself, those fixed deposits were encashed by the petitioner. Though it was fixed in the name of the wife, however, at the relevant time, relations between both of them were good and, therefore, the husband has encashed the same. It is only in the year 2022, both of them got separated. He further submits that

the main proceeding is still pending. The petitioner is getting pension of Rs.33,000/- to Rs.35,000/-, as he was retired Tahsildar. Further, he is getting rent from his constructed house and 8 shops. The petitioner has also sold his land and got Rs.1,00,000,00/- from the said transaction and, therefore, he submits that Rs.4,000/- as interim maintenance is not exorbitant and the petitioner can very well pay the same, therefore, submits that the petition is devoid of merit and it be dismissed.

5. I have considered the rival submission. I have gone through the impugned orders. It appears from the contentions of both the parties that there is word against word of both the parties. Unless the evidence is led in respect of their respective contentions, it is very difficult to arrive at a definite conclusion. However, one fact is clear that the petitioner was Tahsildar and is getting pension of Rs.33,000/- to Rs.35,000/-. Considering the interim maintenance amount of Rs.4,000/-, in my opinion, it is not exorbitant and, therefore, the petitioner can very well pay the said amount. After perusal of the impugned order, I do not find any perversity in the impugned order, therefore, there is no merit in the petition and accordingly it is **dismissed**.

[M.M. NERLIKAR, J]