

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

CRIMINAL REVISION APPLICATION NO. 12 OF 2015

Prashant s/o Kalidas Dange,
R/o. Wanegaon, Tq. Fulambri,
Dist. Aurangabad.

...Applicant

versus

Prayagabai w/o Prashant Dange,
R/o. C/o. Sushilabai Raosaheb Kharat,
Plot No. 28, New Pahadsingpura,
Parvatinagar, Makbara Road,
Dist. Aurangabad.

...Respondent

.....
Mr. H.T. Gaikwad , Advocate for applicant
Mr. S.B. Bhosle, Advocate for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 24th AUGUST, 2015

ORAL ORDER :

Learned Judge, Family Court, Aurangabad, upon application of non-applicant wife, by an order dated 27/11/2014 has ordered payment of maintenance of Rs.3000/- per month. The said order is questioned by the applicant husband on the ground that there is no neglect to maintain as he was ready and willing to maintain his wife i.e. non applicant herein and he being unemployed, his financial condition makes him impossible to pay the maintenance of Rs.3000/- p.m. to non applicant wife.

2. The above referred contentions are objected by learned Counsel for non applicant wife. He would urge that the applicant

herein is owner of crane and immovable agricultural land. In addition to above, he is also doing dairy business.

3. According to learned Counsel for non applicant, if the quantum of maintenance as ordered is taken into account, it will be just and proper to infer that the applicant must be earning at least Rs.9000/- to Rs.10,000/- per month.

4. Having considered the rival contentions of the parties and tested in the same line of pleadings and evidence, though learned Counsel for non applicant has submitted that appropriate theory of dowry was brought, which fact was disputed by the applicant, however, the same has hardly any bearing over the issue in the present matter.

5. Apart from above, even if the claim of present applicant that he has no source of income is accepted and is doing general labour work, the income of present applicant could be easily calculated at around Rs.200/- to Rs.300/- per day. In view thereof, maintenance awarded @ Rs.3000/- p.m. in favour of non applicant, in my opinion, is just and proper. No case for interference is made out. Criminal Revision Application fails, same stands dismissed.

[N.W. SAMBRE, J.]