

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

CRIMINAL REVISION APPLICATION NO.324 OF 2003

Kaduba s/o Pandu Thorat,
Age 47 years, Occu. Agriculture,
Residing at Warud, Taluka
Sillod, District Aurangabad

..Applicant

Versus

1. Shantabai w/o Kaduba Thorat,
Age 36 years, Occu. Household,
Residing at Kayegaon, Taluka
Sillod, District Aurangabad
2. Kaveri d/o Kaduba Thorat-Minor,
under Guardianship of
Respondent No.1
3. The State of Maharashtra
(formal respondent)

..Respondents

Mr Kshitij Surve, Advocate h/f Mr Hemant Surve, Advocate for
applicant
Mr D.K. Dagadkhair, Advocate for respondents No.1 and 2
Mrs M.A. Deshpande, A.P.P. for respondent No.3

CORAM : N.W. SAMBRE, J.

DATE : 1st October 2015

ORAL JUDGMENT

1. Heard Mr Surve, learned Counsel for the applicant. He would suggest that the quantum of maintenance ordered i.e. Rs.500/- per month, particularly looking to the source of income of the applicant is completely unreasonable. According to him, since the amount of maintenance is ordered to be paid from the date of filing of the petition before the Family Court, Aurangabad, same is burdensome to applicant.

2. He would urge that the litigation, particularly in the matter of claim of maintenance has already attained finality and in the above referred background, the order of awarding Rs.500/- per month is to be modified as Rs.200/- per month.

3. Having perused the order passed by learned Court below, it is noticed that the learned Judge, Family Court, Aurangabad has taken into account the evidence available on record, particularly in the matter of source of income of the present applicant.

4. The quantum of Rs.500/- per month awarded by the Court below, in my opinion, cannot be termed as exorbitant in the background of evidence placed on record.

5. As such, no jurisdictional error or failure to exercise the jurisdiction is noticed. The Criminal Revision Application fails, stands dismissed. Rule discharged.

(N.W. SAMBRE, J.)

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