

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL REVISION APPLICATION NO. 274 OF 2014

Shivaji s/o. Nathaji Aswar **....Petitioner.**

Versus

Manisha w/o. Shivaji Aswar **....Respondent.**

Mr. S.B. Solanke, Advocate for petitioner.

Mr. B.P. Pande, Advocate for respondent.

CORAM : T.V. NALAWADE, J.

DATED : 12th June, 2015.

ORDER :

1. The revision is filed to challenge the order made by Family Court, Aurangabad in a proceeding bearing No. E.No. 37/2013. The Family Court has granted the maintenance in favour of the respondent/wife at the rate of Rs. 2000/- per month. Both the sides are heard. The relationship is not disputed by the petitioner.

2. The wife has contended that their marriage took place on 24.5.2012 and she has no issue from the husband. She has made allegations that after one and half months of the marriage, the husband and his relatives gave illtreatment to her

and she became sick. It is her contention that suspicion was expressed about her character and she was prevented from using mobile handset. It is her case that her husband used to say that he wanted to marry second wife and he used to confine her in a room. It is her case that ultimately, she was sent back to her parents house and the husband had said that unless the amount of Rs. five lakh was given to him, he will not accept her back in the matrimonial house. She has contended that she and her parents many times tried to settle the dispute, but the husband refused to take her back in the matrimonial house.

3. It is her case that her husband has 8 to 10 Acres of agricultural land, he is Member of Village Panchayat of Maliwada and he is in the business of plotting. It is her case that the husband earns more than Rs. 30,000/- per month and he is in a position to give separate maintenance. It is her case that she needs atleast Rs. 10,000/- per month, but her husband is not providing anything to her.

4. The husband contested the proceeding by filing written statement and he contended that false allegations of illtreatment are made against him and his relatives. He contended that after one and half months of the marriage, the

wife stopped working in the house and she started picking up quarrels with the husband and his relatives. It is his case that the wife used to go to parents house without informing him many times. It is his case that the wife was brought up in Aurangabad and she was not liking village life and so, she was reluctant to stay in Maliwada. He contended that she left his company on 15.9.2012 without informing him. It is his case that he somehow brought her back to matrimonial house and he tried to convince her to behave well, but she called her relatives, picked up quarrel and left the matrimonial house. It is his case that the wife was pregnant and she delivered a female child, but no information was given to him and it was not informed that the child died. He has contended that he is ready to accept the wife in the matrimonial house.

5. The husband has contended that he is studying and he is doing M.A. and he has no source of income.

6. Before the Family Court, only the wife gave evidence. The husband examined himself but only his examination in chief was recorded. He did not make himself available for cross examination and as he stopped turning up, his evidence was struck off. He did not apply for leading

evidence again and so, after hearing both the sides, the matter was decided.

7. There is the evidence of wife which is consistent with her aforesaid case. She has produced 7/12 extract in respect of the land standing in the name of mother of husband. It appears that land, more than 10 Acres is standing in their names. It is in the vicinity of Aurangabad city. Though there is no record to show that husband is in plotting business, nothing is there in rebuttal to the evidence given by the wife.

8. Even a labour earns more than Rs. 4000/- per month these days. The learned Judge of the Family Court has granted maintenance amount of Rs. 2,000/- per month and the decision has the base of evidence. Nothing is shown for interfering the order made by the Family Court.

9. In the result, the revision stands dismissed.

[T.V. NALAWADE, J.]

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