

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3150 OF 2014

Shri. Abhijeet Shivdas Kuchekar

.. Petitioner

Versus

Jyoti Abhijeet Kuchekar & Ors.

.. Respondents

Mr. Vaibhav R. Gaikwad, for the Petitioner.

Mr. S.A. Tarale, for the Respondents No. 1 & 2.

Smt. M.M. Deshmukh, APP for State.

CORAM : V.L. ACHLIYA, J.

DATE : 1st DECEMBER 2015

P.C. :

1. Heard learned Counsel for the Petitioner and Respondent No. 1 and 2 as well as APP for the State.

2. Being aggrieved by the order dated 11th December 2013 passed by J.M.F.C., Saswad granting interim maintenance to Respondents No. 1 and 2 at the rate of Rs. 3,000/- per month, the Petitioner preferred Criminal Appeal before Sessions Court, Pune. The Appeal filed by the Petitioner was partly allowed and the

maintenance amount awarded by the Trial Court reduced from Rs. 3,000/- per month to Rs. 1,500/- per month. Aggrieved by these order, the Petitioner has preferred this Writ Petition. In nut shell it is contention of learned Counsel for Petitioner that Respondent No. 1 is well qualified and educated woman. She is able to maintain herself. Looking to income of Petitioner, the Petitioner is unable to provide such maintenance and Appellate Court should have allowed the Appeal and set aside the order granting maintenance. On the other hand the learned Counsel for Respondents No. 1 and 2 supported the orders passed by the Trial Court as well as the Appellate Court. It is the contention of the Petitioner that the Sessions Court has erred in reducing the amount of the monthly maintenance from Rs. 3,000/- to Rs. 1,500/- only, though there was a drastic reduction in yearly income of the Petitioner.

3 . After considering the submissions advanced and perused the order passed by the J.M.F.C., Saswad as well as Sessions Court, Pune, I am of the view that the order passed by the J.M.F.C., Saswad calls for no interference. Admittedly, the Petitioner is a Doctor by profession. He is also assessed for the purpose of payment of income tax. Looking to the overall facts and circumstances of the case and

the reason and finding recorded by the Trial Court as well as the Appellate Court, the award of maintenance at the rate of Rs. 1,500/- per month as interim maintenance cannot said to be exorbitant. Therefore, the impugned order calls for no interference in exercise of writ jurisdiction by this Court.

4 . There is absolutely no merit in the Writ Petition filed by the Petitioner. The Petition is devoid of any substance and merits. Accordingly, the Petition is dismissed, with no order as to costs.

[V.L. ACHLIYA, J.]