

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 4061 OF 2014

Mr. Sunil Ashok Lokhande ... Petitioner

V/s.

Mrs. Chhaya Sunil Lokhande & Anr. ... Respondents

Mr. Ashok B. Tajane for the Petitioner.

Mr. Vikram Sutaria i/b. Mr. Manoj Mohan Gadkari for
Respondent No.1.

Mr. Deepak Thakare, A.P.P. for the State.

CORAM : A. V. NIRGUDE, J.

DATE : 2nd DECEMBER, 2015.

P.C. :

1. This Petition challenges concurrent findings recorded by the Courts below that respondent No.1 is entitled to maintenance from her husband, the petitioner. The Courts below considered the material that came before the Court and passed the impugned order directing the petitioner to pay Rs.4,500/- per month to the respondent-wife. It is common ground that the petitioner is married to respondent No.1 and has a daughter. It is also common ground that the parties stay separately.

2. Respondent No.1 came with the case that she has a job and she earns Rs.8,000/- per month, but said amount is insufficient for maintaining two persons. She, therefore, wanted certain amount as maintenance from the petitioner. To this, the petitioner simply said, at one place, that he had no job. The Courts below rejected this statement as not truthful and ordered maintenance. After I perused the impugned orders and the pleadings of the parties, I realized that the petitioner did not place on record his pleadings properly. He did not lead any evidence to show his financial position. The Courts below, therefore, rightly drew adverse inference that the petitioner was keeping these facts undisclosed to avoid liability. The order passed by the Courts below are correct and cannot be disturbed.

2. The Petition is dismissed. The earlier order staying the arrest warrant, is vacated.

(A.V.NIRGUDE, J.)