

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Revision No. 29 of 2015
[Sheikh Taj Sheikh Subhan Vs. Nazrana Fatima Shaikh Rafique & three others]

**Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.**

Court's or Judge's orders

Mr. Shaikh S. Ullah, Adv., for the Applicant.
Mr. S.H. Diwan, Adv., for respondent nos. 1 to 4.

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CORAM : A.B. CHAUDHARI, J.

DATE : 07th July, 2015.

Heard learned counsel for the rival parties.

Order granting maintenance attaching a sum of Rs. 4500-00 for maintenance of wife, two daughters, aged about four years and two months and a son of three months at the rate of Rs.4500-00 per month from the date of application is under challenge in the present application.

The applicant admittedly is working as a driver on

a truck. However, learned counsel for the respondents submits that he is actually the owner of the truck and no sooner the proceedings for maintenance were initiated, he has transferred the truck in the name of some other person.

Without going into the said controversy, looking to the impugned order, I think, the rate of maintenance granted to small children and the wife considering their requirements cannot be said to be on a higher side. I, therefore, confirm the order in so far as the quantum of monthly maintenance awarded by the Trial Court is concerned. However, I find that the impugned order shows grant thereof from the date of application. That was made on 13th June, 2014 and the impugned order was passed on 18th November, 2014. Payment of arrears for the said period may become burdensome and, therefore, it is necessary to make the grant from the date of order. Hence the following order:-

ORDER

[a] Criminal Revision No. 29 of 2015 is dismissed. However, the grant of maintenance by the Trial Court shall be from the date of order , i.e., 18th November, 2014 and not from the date of application.

[b] Respondents are permitted to withdraw

3

the amount deposited in this Court by the applicant forthwith.

Judge

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