

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CRIMINAL WRIT PETITION NO. 400/2009

(Mohd. Rafique Mohd. Jaffar vs. Shamimbano Mohd. Rafique and others)

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

Court's or Judge's order

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Mr. R.A.Haque, Advocate for petitioner
Mr. H.R. Dhumale, Advocate for respondents 1 to 3

CORAM: A.B.CHAUDHARI, J.
DATED : 17th December, 2015.

Heard learned counsel for the rival parties.

This is a petition filed by the husband against the order dated 18th May, 2009 passed by the learned Ad-hoc Additional Sessions Judge, Yavatmal and dated 3rd February 2007 passed by learned 3rd Judicial Magistrate F.C. Yavatmal, granting maintenance to the wife as well children.

Learned counsel for the petitioner submits that the Courts below have committed an error in recording a finding that the husband failed to prove that there was a divorce and, therefore, the finding is wrong.

This Court finds, upon perusal of the record, that the same is concurrent finding of fact recorded by both the Courts below. In any case the finding is arrived at in a summary proceedings u/s. 125 of the Cr.P.C. Insofar as the quantum of maintenance is concerned, the petitioner-husband has been working as a Teacher in Urdu School, which is running on grant-in-aid basis. Looking to the said fact, I do not

think that the maintenance granted by the trial Court totalling in the sum of Rs.3500/- to wife and two children can be said to be on a higher side.

Hence, I make the following order:

ORDER

Criminal Writ Petition No. 400/2009 is dismissed.

JUDGE

sahare