

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [APL] No. 614 of 2015
[Domaji Gangaram Bhelave Vs. Kamlabai Gangaram Bhelawe & others]

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

Court's or Judge's orders

Mr. R.K. Borkar, Adv., for the Applicant.

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CORAM : V.M. DESHPANDE, J.

DATE : 09th September, 2015.

01. Heard Mr. R.K. Borkar, learned counsel for the petitioner.

02. Applicant is challenging the Judgment and Order dated 13th August, 2015 passed by the learned Sessions Judge, Gondia, in Criminal Revision No. 29 of 2015, whereby he dismissed the Criminal Revision filed by the applicant against the Judgment and Order passed by Judicial Magistrate First Class, Gondia, in Misc. Criminal Application No. 108 of 2014, directing the applicant to pay ad interim maintenance at the rate of Rs. 2,000/- per month to the respondent no.1.

03. Respondent No.1 is aged and infirm mother of the applicant. According to the learned counsel for the

applicant, since he has filed a suit for partition and claimed his due share from his parents and his brothers, the present proceedings for maintenance are filed against him. According to him, since he is a BPL card holder, he is not in a position to provide separate maintenance. He further submits that he is residing at Tirora.

04. That Respondent No.1 – Kamlabai is the mother of the applicant, she is 75 years old and an infirm lady is not in dispute. From perusal of the impugned orders, it is clear that the applicant and his brothers are not having cordial relations with each other. Kamlabai is residing with her another son Chaitnya and he is maintaining her. However, his financial position is not sound and, therefore, to support her, she has filed the proceedings.

05. It appears that the father of the applicant has paid entire price amount of a house property at Tirora in the name of the wife of the applicant where the applicant resides. Further, the applicant is having shops at Tirora. It is also not in dispute that he is having “New Royal Watch Centre, New Royal Mobile Shop and New Royal Gift Centre” at Tirora. Thus, it is crystal clear that the applicant is having sufficient means and, therefore, he cannot take recourse to deny the rightful claim of his aged mother on the pretext that he is a BPL card holder.

06. Kamlabai, respondent no.1, is residing with her

another son Chaitnya. He is also taking her care. Merely because she is residing with one son, her other son, i.e., present applicant, cannot be absolved himself from maintaining his aged mother, especially when it is noticed by his mother that Chaitnya is unable to cater to her all necessities. Further, the amount of maintenance at the rate of Rs. 2,000/- per month in the era of present skyrocketing prices of essential commodities is too meagre in view of the social status of applicant, as observed.

07. Hence Criminal Application No. 614 of 2015 is **rejected**.

Judge

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