

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Revision Application No.189 of 2013
(Jainab bi Yunus Laluwale and others V/s Yunus Laluwale)

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

Court's or Judge's orders

[Shri R.J. Mirza, Adv for applicant.
Shri M. Badar, Adv for respondent.]

CORAM : A.B. CHAUDHARI, J.
DATED : 17.06.2015.

Heard the learned Counsel for the rival parties.

This an application for enhancement of maintenance amount against the award of maintenance made by the learned Family Court as per Section 125 of the Code of Criminal procedure.

The learned Counsel for the respondent vehemently argued that as of date the total amount of maintenance as ordered by the Courts i.e. Rs. 7000/- per month is being paid to the applicant as well as her daughter.

The learned Family Court has decided the quantum of amount on the basis of material before it as stated in the impugned order. The appellant has remarried after pronouncing Talaq to appellant no.1 and thus has to maintain the family. In my opinion, at this stage it will not be proper to enhance the maintenance amount. Looking to the growing age

of the child and looking to the needs of the applicant, the applicant should be allowed to apply for enhancement of maintenance after reasonable period three years. That being so, I make the following order :-

Order

- A] Criminal Revision Application No.189 of 2013 is not entertained.
- B] The impugned order is confirmed.
- C] Liberty is granted to the applicant to apply for enhancement of maintenance after a period of three years looking to the growing age of the child as well as the need of the applicant.

JUDGE

Deshmukh