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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL REVISION APPLICATION NO. 33 OF 2016

Dattatraya s/o Tanajirao Ambhore,
Age: 41 years, Occu: Labour,
R/o Jamwadi, Tq. and Dist. Jalna

..APPLICANT

VERSUS

Sau. Shobhabai w/o Dattatraya Ambhore,
Age: 36 years, Occu: Tailoring,
R/o C/o. Shivram Adhav, Padegaon,
Tq. and Dist. Aurangabad

..RESPONDENT

Mr Sk. Ashpak Taher Patel, Advocate for applicant

CORAM : N.W. SAMBRE, J.

DATE : 20th October, 2016

ORAL ORDER :

By the present revision application, the applicant – husband challenges the order dated 30th November, 2015, passed by learned Principal Judge, Family Court, Aurangabad, in Criminal Misc. Application No.38 of 2014, in exercise of powers under section 127 of the Code of Criminal Procedure, thereby enhancing the maintenance from Rs.300/- to Rs.3,000/- per month.

2. Mr Patel, learned Counsel appearing on behalf of the applicant, while questioning the legality of the impugned order, would urge that the enhancement granted by the Family Court is without any basis, as no material was placed on record so as to assess the income of the applicant.

(2)

Apart therefrom, he would submit that the applicant has also other liabilities and as such, the quantum of enhancement needs to be reconsidered. He submits that the applicant, at the most, could be ordered to pay maintenance of Rs.1,500/- per month.

3. Having considered the submissions made, it is required to be noted that what weighed before the Family Court is the source of income of the applicant, in the background of the occupation undertaken by him. In the oral evidence, it is brought on record that the applicant, apart from being a Mason, has also 12 Acres irrigated land and dairy business.

4. The appreciation as is made by the learned Principal Judge of the Family Court, *prima facie*, does not call for any interference. Criminal Revision Application being devoid of merits stands rejected.

(N.W. SAMBRE, J.)

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