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

CRIMINAL WRIT PETITION NO. 215 OF 2014

Maharu s/o Soma Pawar @ Kokani,
Age: 35 years, Occu: Agricultural Labourer,
R/o. Chikalpada, Post Ashta,
Tq. & Dist. Nandurbar

..PETITIONER

VERSUS

Vimalbai w/o Maharu Pawar @ Kokani,
Age: 32 years, Occu: Agricultural Labourer,
R/o. Jalkhe Ranale,
Tq. & Dist. Nandurbar

..RESPONDENT

Mr R. S. Shinde, Advocate holding for Mr. A. G. Magare, Advocate for
petitioner

CORAM : N.W. SAMBRE, J.

DATE : 31st March, 2016

ORDER :

The petitioner-husband suffered an order of maintenance to be paid at the rate of Rs.1,000/- per month to the respondent, vide order dated 19th August, 2013, passed by Judicial Magistrate First Class, Nandurbar, which was confirmed in Criminal Revision No.22 of 2013, passed by Sessions Judge, Nandurbar on 7th June, 2014.

2. Both the above referred orders are questioned by the petitioner-husband on the ground that the respondent-wife had failed to discharge burden that she is his legally wedded wife. Learned Counsel appearing on behalf of the petitioner would submit that the petitioner was already married to one Nilubai and out of that wedlock he is blessed with a daughter. Though Nilubai is not stying with the daughter, still the daughter

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is very much staying with him and as such, it is really hard to believe that the petitioner has married to the respondent herein.

3. With the assistance, I have perused the entire record.

4. It is an admitted position on record that petitioner's first wife Nilubai is not residing with him since last more than fifteen years. Perhaps, the same has prompted him to marry with the respondent, as it is an admitted fact on record that the respondent stayed with the petitioner for more than six years. The petitioner has come out with a case that the relationship of the petitioner with that of the respondent is not of husband and wife, but she was just an attendant/care taker.

5. If the petitioner comes out with such stand in the background of above factual matrix, particularly in view of the fact that the petitioner that the community to which the petitioner belongs being a tribal, he is entitled for second marriage, the claim of the petitioner that he had not married with the respondent was rightly rejected by the Courts below. The amount of maintenance of Rs.1,000/- is ordered after taking into account agricultural holding of the petitioner which is more than 10 Acres.

6. In view of above, no case for interference is made out. Criminal Writ Petition fails and stands dismissed.

(N.W. SAMBRE, J.)

amj