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

CRIMINAL WRIT PETITION NO. 318 OF 2016

Pralhad s/o Baliram Paul,
Age: 34 years, Occu: Agri.,
R/o Tarur Gavhan, Taluka Pathri,
District Parbhani ..PETITIONER

VERSUS

Sau. Rekha w/o Pralhad Paul,
Age: 30 years, Occu: Business,
R/o: Pimpri Budruk,
Taluka Parali,
Dist. Parbhani ..RESPONDENT

Mr N. P. Dube, Advocate holding for Mr A. P.
Bhandari, Advocate for petitioner

CORAM : N.W. SAMBRE, J.

DATE : 24th August, 2016

ORDER :

Learned Judicial Magistrate First Class,
Parali-Vaijnath has awarded the maintenance
pursuant to the claim made by respondent-wife @ Rs.
3,000/- p.m. vide order dated 5th March, 2015. The
same was the subject matter of challenge before the
learned Sessions Judge, Ambajogai in Criminal
Revision No. 14 of 2015, which came to be dismissed

(2)

on 2nd January, 2016. As such, the present petition.

2. Learned Counsel for the applicant made two-fold contentions :

(a) that, there is no independent source of income to the applicant as the agricultural property which is formed to be basis for awarding maintenance is owned by other family members but for the applicant. According to him, the applicant has already disposed of the said property for his personal necessity.

(b) that, the applicant is working as a labour and there is no fixed income and as such, award of maintenance of Rs. 3,000/- p.m. is unreasonable and impracticable.

3. Having perused both the orders, it is required to be noted that even if presuming that the applicant is working as a labour, still his

(3)

average income of Rs. 9,000/- p.m. could be presumed. Based on that if both the Courts below have awarded maintenance of Rs. 3,000/- p.m. in exercise of powers under Section 125 of the Code of Criminal Procedure, in my opinion, appears to be reasonable. No case for interference in extraordinary jurisdiction is made out. As such, Criminal Writ Petition fails and stands dismissed.

(N.W. SAMBRE, J.)

Tupe