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

CRIMINAL REVISION APPLICATION NO.177 OF 2016

Sahebrao s/o Bhikan Jadhav,
Age: 45 years, Occ: Nil,
R/o. Plot No. 64,
Near Dhartidhan Society,
Tuljainagar, Shivajinagar,
Garkheda Parisar, Aurangabad. ..APPLICANT

VERSUS

Sau. Yashodabai w/o Sahebrao Jadhav
Age: 40 years, Occ: Household,
R/o. C/o. Baburao Shravan Danke,
Sathe Nagar, Waluj, Tq. Gangapur,
Dist. Aurangabad and another. ..RESPONDENTS

Mr.M.B. Ubale, Advocate h/f Mr. L.K. Pradhan,
Advocate for applicant;
Mrs. R.R. Mane, Advocate for respondents

CORAM : N.W. SAMBRE, J.
DATE : 5th August, 2016

ORDER :

Heard learned Counsel for the applicant.

2. The order passed by learned Principal Judge, Family Court, Aurangabad on 12th November, 2014 directing the payment of maintenance of Rs.5000/- per month each to respondents under

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Section 125 of the Code of Criminal Procedure is questioned herein.

3. It is the case of applicant that since 2013 the applicant is not keeping good health and as such, his earlier profession of driver is not undertaken by him. He would urge that he himself is dependent on other family members for his medical treatment and survival and as such, the amount of maintenance as ordered appears to be exorbitant.

4. Learned Counsel for the respondents would submit that there is sufficient income to the present applicant from his immovable properties, which are in the form of agricultural land owned by his father/house property in Aurangabad and his occupation as driver. He would then urge that the applicant is trying to avoid his responsibility to pay maintenance and looking to the expenses to be incurred by both the respondents, particularly as regards schooling of child, maintenance order is

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reasonable.

5. Perused the entire proceedings. It is not in dispute that the applicant's father holds immovable property to the extent of five acres, so also a house at Aurangabad, which fact is not denied by the applicant. Though the applicant claims to be suffering from ailments, however, there is hardly any material to infer the same. Apart from above, the fact remains that even if it is presumed that the applicant is working as driver and is earning Rs.10,000/- per month, in addition to his income from immovable property. As such, the amount of maintenance as ordered appears to be reasonable.

6. No case for remand is made out. The criminal revision application, as such, fails, same stands rejected.

(N.W. SAMBRE, J.)