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

CRIMINAL REVISION APPLICATION NO.114 OF 2016

Vishal s/o Shankarrao Dakale Patil,
Age 33 years, Occupation : Labourer,
r/o Shivamnagar, Khultabad Road,
Phulambri, Taluka Phulambri,
District Aurangabad

..APPLICANT

VERSUS

Sow Shradha w/o Vishal Dakale Patil,
Age : 31 years, Occ. Pvt. Service
r/o Devangan, Plot No.14,
Devindrayani Housing Society,
Shahanurwadi, Aurangabad

..RESPONDENT

Mr D.R. Markad, Advocate for applicant;
Mr S.B. Sant, Advocate for respondent

CORAM : N.W. SAMBRE, J.

DATE : 18th August, 2016

ORAL ORDER :

Learned Judge, Family Court, Aurangabad, by an order dated 29th January, 2016, passed in Petition No.E-198 of 2014, ordered the applicant - husband to pay maintenance of Rs.5,000/- to the respondent – wife, from the date of the application, i.e. 16th June, 2014, together with costs of Rs.2,000/-.

2. The aforesaid order is questioned by the applicant – husband in the criminal proceedings. This Court has recorded a statement made by the learned Counsel for the applicant, that the applicant shall deposit an

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amount of Rs.40,000/- from out of arrears of maintenance. The said statement was recorded on 26th July, 2016 and till date, the applicant has not deposited the said amount.

3. In the background of above referred conduct of the applicant, the only point that is sought to be canvassed before this Court on behalf of the applicant is that the quantum of maintenance as awarded is exorbitant, as the Family Court has not recorded any finding about the income of the applicant.

4. The above referred contentions are denied by the learned Counsel appearing on behalf of the respondent – wife and according to him, the maintenance of Rs.5,000/- per month is reasonable.

5. With the assistance, I have perused the record.

6. It is required to be noted that the respondent – wife claims to have married the applicant – husband on 23rd May, 2013. It is then claimed in paragraph 11 of the application for grant of maintenance under section 125 of the Code of Criminal Procedure, that the present applicant – husband is earning about Rs.20,000/- per month by operation of facility centre (Setu Suvidha Kendra) and internet cafe. The said statement is not specifically dealt with by the applicant in his written statement or reply to the application. But for vague denial, there is hardly any reference to the issue as regards the pleadings of income of the applicant made by the

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wife.

7. Based on the above referred pleadings, learned Judge of the Family Court, has proceeded to pass an order awarding maintenance of Rs.5,000/- per month. Learned Judge of the Family Court has also considered that, even assuming that the applicant is doing labour work, still the quantum of maintenance as awarded, in my opinion, is justifiable one.

8. It is then required to be noted that the applicant had voluntarily made a statement before this Court that he shall deposit Rs.40,000/- out of the arrears of maintenance, which is not honoured till date, which by itself speaks of mind of the applicant of avoiding payment of maintenance.

9. In view of above, no case for interference is made out. In the result, Criminal Revision Application fails and stands rejected.

(N.W. SAMBRE, J.)

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