

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

CRIM. REVISION APPLICATION NO. 18 OF 2004

Rehana Begum D/o Mohammed Hussain

@ Khajabhai, Age : 30 Yrs.,

Occ. : Household, R/o : Angoori Bagh,

District : Aurangabad.

..... APPLICANT

VERSUS

Shaikh Rafiq s/o Shaikh Quadir

Age : 35 Yrs., Occ. Service -

Driver, High Court,

Aurangabad.

..... RESPONDENT

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Mrs. A.N.Ansari, Advocate for Applicant.

None for the non-applicant.

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CORAM : Z.A.HAQ, J.

DATE OF JUDGMENT : 23rd NOVEMBER, 2016

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ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith.

2. Heard Mrs. A.N.Ansari, learned Advocate

for the applicant. None appears for the non-applicant.

3. The applicant has challenged the order passed by the Family Court under section 3 (a) of the Muslim Women (Protection of Rights on Divorce) Act, 1986, by which the non-applicant is directed to pay to the applicant Rs.500/- per month towards maintenance for the Iddat period (3 months and 10 days), Rs.2051/- towards mehr and only Rs.25,000/- towards reasonable and fair provision towards future maintenance. The claim of the applicant is that the Family Court should have directed the non-applicant to pay Rs.2,00,000/- towards reasonable and fair provision for future maintenance.

4. It is not disputed that the applicant was legally wedded wife of the non-applicant and then the non-applicant had given divorce to the applicant. The non-applicant has not disputed that he was working as driver in the employment of the High Court, Bench at Aurangabad as permanent employee. According to

the applicant, the non-applicant has opted for voluntary retirement.

5. It is well established that while determining the amount payable towards reasonable and fair provision for future maintenance, the civil status of parties, the age of the parties and the standard of life of the husband should be taken into consideration and the amount should be sufficient to enable the divorced wife to maintain herself with dignity. Mrs. Ansari, learned Advocate for the applicant has rightly relied on the judgment given by the Full Bench of this Court in the case of **Karim Abdul Rahman Shaikh Vs. Shehnaz Karim Shaikh & Ors., reported in 2000 (3) Mh.L.J.555.**

. Considering the fact that the non-applicant was a permanent employee working as a driver on the establishment of High Court, Bench at Aurangabad and the fact that after giving divorce to the applicant, the non-applicant has remarried and had been maintaining his second wife, in my view, it

would be appropriate to direct the non-applicant to pay to the applicant Rs.1,50,000/- towards reasonable and fair provision of future maintenance.

. Hence, the following order.

- (i) The non applicant is directed to pay Rs.1,50,000/- [Rupees One Lakh Fifty Thousand] to the applicant towards reasonable and fair provision for future maintenance of the applicant.
- (ii) The amount shall be paid by the non applicant to the applicant within 2 months from this order. If the non-applicant fails to pay the amount of Rs.1,50,000/- [Rupees One Lakh Fifty Thousand] to the applicant within 2 months, the non applicant will be liable to pay interest on the amount of Rs.1,50,000/- [Rupees One Lakh Fifty Thousand] @ 9 % per annum, the interest being chargeable from

today i.e. the date of this Judgment.

- (iii) The impugned order is modified in the above terms.
- (iv) Rule is made absolute in the above terms.
- (v) In the circumstances, parties to bear their own costs.

[Z.A.HAQ, J.]