

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

Criminal Application No. 601 of 2004

District : Jalgaon

Gulabrao Tukaram Mahajan,
Age : 30 years,
Occupation : Agriculture,
R/o. Dahiwad,
Taluka Amalner,
District Jalgaon.

.. Applicant.

versus

Chayabai Gulabrao Mahajan,
Age : 28 years,
Occupation : Household,
R/o. Malhapura,
Taluka Chopda,
District Jalgaon.

.. Non-applicant.

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Mr. B.R. Warma, Advocate, for the applicant.

Non-applicant served (Absent).

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CORAM : Z.A. HAQ, J.

DATE : 29TH NOVEMBER 2016

ORAL JUDGMENT :

Heard Mr. B.R. Warma, learned Advocate for
the applicant.

02. The applicant (husband) has challenged the

judgment passed by the Sessions Court dismissing the Revision Application filed by him and upholding the judgment passed by the learned Magistrate by which the applicant is directed to pay Rs. 1,000/- per month to the non-applicant (wife) towards maintenance.

03. With the assistance of the learned Advocate for the applicant, I have examined the documents placed on record of the petition. The learned Advocate for the applicant has not been able to point out that the findings recorded by the subordinate Courts concurrently that the defence taken by the husband to oppose the claim of wife was not only unreliable and unacceptable but the husband attempted to tarnish the character of wife, are not sustainable. The learned Magistrate has adverted to the relevant aspects that the wife is not able to maintain herself, that the husband has failed to prove that wife is residing separately without any cause and that the husband has neglected and refused to maintain wife. The findings recorded by the learned Magistrate on this point are also based on proper appreciation of material on record. The learned Sessions Judge has considered the evidence on record and has dealt with the contentions of the applicant (husband) independently and the findings recorded by the Sessions Judge are based on the material and evidence on record. The learned

Advocate for the applicant has not been able to point out any infirmity or perversity in the findings recorded by the subordinate Courts on the above points.

04. I see no reason to interfere with the impugned judgment. The Application is dismissed. In the circumstances, parties to bear their own costs.

(Z.A. HAQ)
JUDGE

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