

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

Criminal Writ Petition No. 274 of 2004

District : Ahmednagar

1. Asha @ Kanta w/o. Devram Nabge,
Age : 35 years,
Occupation : Nil.
2. Abhijit s/o. Devram Nabge,
Age : 16 years,
Occupation : Education.
3. Poonam d/o. Devram Nabge,
Age : 14 years,
Occupation : Education.

Nos.2 and 3 are minor
through their guardian
Mother no.1.

All R/o. Malkup,
Taluka Parner,
District Ahmednagar.

.. Petitioners
(Original applicants)

versus

1. Devram s/o. Ramchandra Nabge,
Age : 44 years,
Occupation : Service,
R/o. Loni,
Taluka : Rahata,
District : Ahmednagar.

2. The State of Maharashtra. .. Respondents.

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Mr. S.L. Bhapkar, Advocate, for petitioners (Absent).

*Mr. B.V. Dhage, Advocate, for respondent no.1
(Absent).*

*Mr. K.N. Lokhande, Addl. Public Prosecutor, for
respondent no.2.*

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CORAM : Z.A. HAQ, J.

DATE : 17TH NOVEMBER 2016

ORAL ORDER:

None for the petitioners as well as for
respondent no.2.

Examined the documents placed on record of
the petition with the assistance of Mr. K.N.
Lokhande, learned Addl. Public Prosecutor for
respondent no.2 - State of Maharashtra.

02. Petitioners have filed this petition seeking
modification of the order passed by the 2nd Addl.
Sessions Judge, Ahmednagar, in Criminal Revision No.
268/2003, on 26.02.2004, granting maintenance at the
rate of Rs. 1,000/- per month to present petitioner
nos.2 and 3 (daughters) and maintaining the order
passed by the learned Magistrate by which present
petitioner no.1 (wife) was granted maintenance at the
rate of Rs. 1,000/- per month. Petitioners have
prayed that the respondent no.1 be directed to pay
Rs. 1,500/- per month towards maintenance to each of
the petitioners.

03. It is undisputed that petitioner no.1 is the wife of respondent no.1 and petitioner nos.2 and 3 are daughters of respondent no.1. The subordinate Courts have recorded finding that the petitioners are not able to maintain themselves and respondent no.1 is liable to maintain them. The above finding recorded by the subordinate Courts and the other findings recorded by the subordinate Courts that the respondent no.1 has been working as Executive Engineer in Irrigation Department, have not been challenged by the respondent no.1. The question is only about quantum of maintenance.

04. It is recorded in the order passed by the Sessions Court that after implementation of Vth Pay Commission, respondent no.1 was getting gross salary of Rs. 12,752/- per month. Subsequently, VIth Pay Commission is implemented and there has been substantial increase in the salary of State Government employees. Considering the fact that respondent no.1 has been working as Executive Engineer in Irrigation Department (State Government) and the status of the parties, in my view, following order would sub-serve the ends of justice :-

(a) The impugned order dated 26.02.2004 is modified.

(b) Respondent no.1 shall pay Rs. 1,500/- per month to petitioner no.1 (wife) towards maintenance from

the date of filing of application before the Magistrate.

(c) Respondent no.1 shall pay Rs. 1,500/- per month to petitioner no.2 (son) towards maintenance from the date of filing of the application before the Magistrate, till petitioner no.2 attained majority.

(d) Respondent no.1 shall pay Rs. 1,500/- per month to petitioner no.3 (daughter) towards maintenance from the date of filing of application before the Magistrate, till petitioner no.3 got / gets married.

(e) Rule made absolute in the above terms. In the circumstances of the case, parties shall bear their own costs.

(Z.A. HAQ)
JUDGE

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