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

CRIMINAL WRIT PETITION NO. 488 OF 2003

Anita W/o Wamanrao Musane & anr. ..PETITIONERS

VERSUS

Wamanrao S/o Maruti Musane ..RESPONDENT

**WITH
CRIMINAL WRIT PETITION NO. 4 OF 2004**

Wamanrao S/o Maruti Musane ..PETITIONER

VERSUS

Anita W/o Wamanrao Musane & anr. ..RESPONDENTS

Mr V. D. Godbharle, Advocate for petitioners in Cr. W.P. No. 488/2003 and for respondents in Cr. W.P. No. 4/2004;
Mr V. D. Gunale, Advocate for petitioner in Cr. W.P. No. 4/2004 and for respondent in Cr. W.P. No. 488/2003

CORAM : N.W. SAMBRE, J.

DATE : 22nd April, 2016

ORAL ORDER :

The payment of maintenance of Rs.300/- per month, pursuant to the application under section 127 of the Code of Criminal Procedure came to be enhanced to Rs.900/- by the order of Magistrate, however, in revision, same is reduced to Rs.750/- per month.

2. Mr Godbharle, learned Counsel appearing on behalf of the deceased wife submits that there are arrears which are not cleared by the husband.

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3. The husband had preferred revision petition No.4 of 2005 questioning enhancement of maintenance from Rs.300/- to Rs.750/- per month. Learned Counsel appearing on behalf of the husband submits that present proceedings cannot be considered as execution petition and appropriate remedy for the petitioner lies for recovery.

4. The fact remains that the order of enhancement of maintenance to Rs.750/- per month is holding the field since last more than twelve years.

5. Apart from above, the fact remains that the wife has expired in 2005, whereas son Sumit @ Shekhar has attained majority.

6. In the above background, in my opinion, both writ petitions which are preferred against the same order of enhancement by deceased wife and husband, do not call for any interference in extraordinary jurisdiction. In view thereof, Criminal Writ Petitions fail and stand dismissed. Rule stands discharged.

7. The issue of recovery of maintenance amount at the behest of son Sumit @ Shekhar is kept open.

(N.W. SAMBRE, J.)

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