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

CRIMINAL WRIT PETITION NO.1327 OF 2015

Sham s/o Shankar Kanade,
Age : 46 years, Occu. Labour,
R/o Shrirampur, Tq. Shrirampur,
District Ahmednagar

..PETITIONER
(Orig. Non-applicant)

VERSUS

1. Ranjana w/o Sham Kanade,
Age : 32 years, Occu. Household,
R/o Gopinath Nagar,
Sanjay Nagar Road,
Near Sai Corner, Shrirampur,
Tq. Shrirampur, Dist. Ahmednagar,
At present New Hanuman Nagar,
Lane No.5, Aurangabad
2. Mayuri D/o Sham Kanade,
Age : 16 years, Occ. Education,
R/o As above
3. Anurag s/o Sham Kanade,
Age 12 years, Occ. Education,
R/o As above
Respondent No.2 and 3 are
minors and U/g of Respondent No.1..RESPONDENTS

Mr D.G. Kamble, Advocate for petitioner;
Mr R.B. Awasarmol, Advocate holding for Mr B.V. Dhage, Advocate for
respondents

CORAM : N.W. SAMBRE, J.

DATE : 5th April, 2016

ORAL ORDER :

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The petitioner was married to respondent no.1 Ranjana in 1996 and was blessed with two children; a son and a daughter. The respondents - wife and children were required to approach the Family Court, Aurangabad by way of Petition No.E-51 of 2013 seeking maintenance, which was allowed by learned Principal Judge of the Family Court, Aurangabad by an order dated 31st August, 2015, awarding maintenance of Rs.1,500/- each to the respondents from 31st August, 2015. The application for maintenance appears to have been made on 27th February, 2013 and the Family Court was considerate enough to award Rs.50,000/- towards lump sum maintenance for the period between the date of filing of the application and the date of the order.

2. Mr Kamble, learned Counsel appearing on behalf of the petitioner, while questioning the legality of the order would urge that the applicant during work has lost thumb of one hand resulting into causing disability and reducing the earning capacity. He would then submit that but for the property held by his mother, there is no independent source of income and as such the quantum of maintenance as awarded is exorbitant.

3. Learned Counsel appearing on behalf of the respondents supports the impugned order.

4. The fact brought on record is that both the children of the petitioner are taking education and it is claimed that he was working as mason and was earning substantial amount out of the same, apart from his income

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from the property of his mother. Thus, the learned Judge proceeded to award maintenance of Rs.4,500/- to the three respondents, which in my opinion, is reasonable one.

5. The petitioner, who is personally present in the Court appears to be well bodied person and no disability or deformity is noticed. In my opinion, the maintenance awarded by the Court below appears to be based on the income of the petitioner brought on record.

6. In that view of the matter, no case for interference in the extraordinary jurisdiction of this Court is made out. Criminal Writ Petition fails and stands rejected.

(N.W. SAMBRE, J.)

amj