

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

**27 CRIM. REVISION APPLICATION
NO. 196 OF 2015**

PRASHAN S/O SANDIPAN SHINDE & ORS.

VERSUS

PALLAVI PRASHANT SHINDE

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Mr. S.V.Gundre, Advocate for Applicants.

Mr. J.J. Patil, Advocate for Respondent.

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CORAM : Z.A.HAQ, J.

DATE : 19th DECEMBER, 2016

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ORAL ORDER :

01. Heard Mr. S.V.Gundre, learned Advocate for the applicants and Mr. J.J. Patil, learned Advocate for the non-applicant.

02. The applicants have challenged the Judgment passed by the Sessions Court allowing the

Appeal filed by the non-applicant under the provisions of the Protection of Women from Domestic Violence Act, 2005 [for short, ' Domestic Violence Act'] and directing the applicants to pay interim maintenance.

03. The non-applicant has filed complaint u/s 12 of the Domestic Violence Act and in that complaint, an application praying for interim order was filed which was rejected by the learned Magistrate by the order passed on 10/03/2015. This order was challenged by the non-applicant in Appeal which is allowed by the Sessions Court by the impugned Judgment.

04. The contention of the applicants is that the non-applicant has acquired D.Ed. Qualifications and she is qualified and competent to make an earning for herself and, therefore, she is not entitled for interim maintenance. The learned Additional Sessions Judge has recorded in para No. 12 of the impugned Judgment that though it is brought on record by the present applicants that the non-applicant has

acquired D.Ed. Qualifications, there is nothing on record to show that the non-applicant is actually earning. The findings recorded by the learned Additional Sessions Judge can not be faulted with and the order directing the applicants to pay maintenance does not need any interference. Apart from this, the non-applicant has to maintain 3 year old child and undisputedly the applicants have not paid any amount towards maintenance of the minor child also.

05. I see no reason to interfere with the impugned Judgment.

06. The Criminal Revision Application is dismissed with costs quantified at be ₹ 5,000/- [Rupees Five Thousand] to be paid by the applicants to the non-applicant within one month from today.

07. During the course of hearing, it was submitted that there is possibility of amicable settlement. If the parties approach the trial Court with this request, the learned Magistrate will ensure

that the matter is referred for mediation.

[Z.A.HAQ, J.]

KNP/Cr.Revn.Apln. 196.2015