

(1)

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

CRIMINAL WRIT PETITION NO.1562 OF 2015

Fulchand s/o Babu @ Chandrasen
Bhandvalkar

..PETITIONER

VERSUS

Anjali w/o Fulchand Bhandvalkar & anr.

..RESPONDENTS

Mr A.R. Tapse, Advocate for petitioner

CORAM : N.W. SAMBRE, J.

DATE : 11th March, 2016

ORDER :

Respondent no.1 Anjali is wife of petitioner Fulchand and respondent no.2 Sandhya is their daughter. Fulchand married for the second time with one Bhagyashri and as such there arose differences between the applicant and respondents. The respondents – wife and daughter accordingly filed Misc. Cri. Application No.134 of 2011 in the court of Judicial Magistrate First Class, Beed, seeking maintenance, which came to be allowed by an order dated 30th June, 2012, ordering the applicant to pay Rs.1200/- per month to respondent no.1 and Rs.800/- per month to respondent no.2 towards maintenance and Rs.1,000/- towards the expenses of the litigation.

2. In Criminal Revision No.67 of 2012, learned Additional Sessions Judge, Ambajogai confirmed the aforesaid order by judgment dated 17th

(2)

November, 2015. Thus, the present petition.

3. Learned Counsel appearing on behalf of the applicant would urge that the applicant is ready and willing to reside with the respondents. He would then submit that the income of the applicant was not properly appreciated and taken into account before ordering payment of maintenance. According to him, as such, this Court, in extraordinary jurisdiction should interfere in the matter.

4. With the assistance of learned Counsel, I have perused both the judgments. It is brought on record that the applicant has married for the second time.

5. Respondent no.1 – wife has fairly conceded that she is working as a labourer and earning paltry sum to the extent of Rs.500/- to Rs.600/- per month. It is to be noted that the learned Magistrate, having taken into account the source of income of the applicant from the land ad measuring 1 Hectare and 19 R at survey no.11 at village Sonjavala and the income from dairy farming, as ordered payment of maintenance.

6. In view thereof, in my opinion, no illegality could be noticed in the findings recorded. Thus, writ petition fails and stands dismissed.

(N.W. SAMBRE, J.)

amj