

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 56 OF 2016

MRS.SHAHIDA BANU.

... Petitioner

Versus

MR.SHABBER A KAZARI.

... Respondent

Adv. Dharmanand R. Vernekar for the Petitioner.

Coram:- C. V. BHADANG, J.

Date:- 21st June, 2016

P.C.:

Heard the learned counsel for the petitioner.

2. By this petition, the petitioner is challenging the order passed by the Courts below refusing interim maintenance. The petitioner had filed an application seeking maintenance under section 125 of Cr.P.C which is pending before he learned J.M.F.C at Canacona, in which the petitioner sought interim maintenance of Rs.12,000/- per month. The learned Magistrate found that the marriage between the petitioner and the respondent was a second marriage of the parties. It was further found that the respondent has four children out of his first marriage who are depended on him. It was further found that the son of the peitioner is serving abroad and is sending money to the petitioner. The Courts below have also noticed the case set up by the petitioner that she had paid an amount of Rs.1.00 lakhs by way of hand loan to the respondent when she was working in some Travel

Agency which job she left after marriage. The courts below have further found that the petitioner has purchased a Maruti Swift Desire car which is standing in her name. For all these reasons the Courts below have found that no case for grant of interim maintenance is made out. Considering the fact that this is only an interim order refusing to grant maintenance where there is a concurrent finding recorded by the Courts below, which is based on facts and circumstances of the case, I do not find that any interference is required in exercise of supervisory jurisdiction of this Court. In the result, I decline to entertain the petition which is accordingly dismissed.

C. V. BHADANG, J.

ap/-