

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.27 OF 2015

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Amit Gharate i/b Mr.Deepak Girme for the applicant

Mr.A.B.Tajane for the respondent

CORAM : K. K. TATED, J.
DATE : AUGUST 29, 2016

P.C.:

- 1 Heard the learned counsel for the parties.
- 2 By this petition under Article 227 of the Constitution of India, the Petitioner wife challenges the order dated 31.10.2014 passed by Family Court No.2, Pune in Petition No.E.102 of 2011 directing respondent to pay monthly maintenance of Rs.1,500/- per month to the wife instead of Rs.3,000/- as she claimed and Rs.1,500/- per month to the daughter.
- 3 The learned counsel for the petitioner submits that infact the respondent is earning more than Rs.15,000/- per month. He submits that the petitioner and petitioner's mother specifically stated in their evidence that respondent is working

for Bharat Forge Company and drawing a salary of Rs.15,000/- per month and also doing tailoring work whereby his income is Rs.7,000/- per month. He submits that these facts were not considered by the Trial Court at the time of fixing maintenance charges. Hence, they preferred the present Revision Application. He submits that this Hon'ble Court be pleased to direct the respondent to pay maintenance charges @ Rs.3,000/- per month to the petitioner.

4 On the other hand, the learned counsel for the respondent vehemently opposed the present Revision Application. He submits that respondent is working as a labourer and earning Rs.100/- to Rs.150/- per day. He submits that petitioner has not brought on record any evidence to the fact that respondent is working with Bharat Forge Company and earning salary of Rs.15,000/-. Hence, there is no substance in the Writ Petition and same be dismissed with costs.

5 I have heard both the sides. It is to be noted that for fixing maintenance charges, court has to see what is the earning capacity of other side. In the present proceeding, though petitioner and her mother deposed that respondent husband is working with Bharat Forge Company and drawing salary of Rs.15,000/- per month and also doing tailoring work whereby income is Rs.7,000/- per month, they failed and neglected to bring on

record any evidence to that effect. They placed on record Exhibit-57, 68 and 69 which were electricity bills. Those were in the name of respondent's father and brother. Petitioner has not brought on record any evidence to show monthly income of respondent husband and inspite of that Trial Court awarded sum of Rs.1,500/- per month to the petitioner as well as her daughter.

6 Considering these facts, I do not find any reason to entertain the present Criminal Revision Application. Hence, same stands rejected.

JUDGE