

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL WRIT PETITION NO. 2970 OF 2013

Rajendra Gunpal Ladage

.....Petitioner

V/s.

Poornima Rajendra Ladage and another

....Respondents

Mr. Kedar J. Patil Advocate for Petitioner.

Mr. A. R. Patil APP for the State.

CORAM : RAVINDRA V. GHUGE, J.

DATED : JULY 7, 2016.

PC :

- 1) Heard learned counsel for the Petitioner.
- 2) The Petitioner is aggrieved by the order dated 03/05/2012 delivered by the learned Judicial Magistrate First Class, Peth Vadgaon and the Judgment dated 12/07/2013 delivered by the learned Sessions Judge – 1 Kolhapur. By the Judgment of the learned Magistrate, the Petitioner is directed to pay Respondent no. 1 a maintenance allowance of Rs. 7,500/- (Rs. Seven Thousand Five Hundred) per month. By the Judgment of the learned Sessions Court, Revision Petition filed by the Petitioner has been dismissed.
- 3) The learned counsel for the Petitioner has strenuously criticized the impugned Judgments. The specific contention is that the land admeasuring 1

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Hector 25 Are was handed over to the Respondent/wife by way of a compromise. The said land has been sold by the wife for an amount of Rs. 25,00,000/- (Rs. Twenty Five Lakhs). She therefore has sufficient funds to sustain herself. Considering this aspect, the Petitioner is not required to pay any maintenance allowance to her.

4) It is further submitted that both the Courts below lost sight of this vital fact and consequentially the Courts have delivered the impugned orders which are apparently perverse and erroneous. It is therefore, prayed that both the impugned orders be quashed and set aside by allowing this petition.

5) This Court had issued notice to the Respondents on 26/08/2013. The office record indicates that Respondent no. 1 has been served on the fresh address supplied by the Petitioner. Though an appearance was entered on behalf of the Respondent no. 1/wife on 04/02/2014, none has appeared for the first Respondent on several dates.

6) I have considered the submissions of the learned Advocate for the Petitioner.

7) It is Trite Law that in the Revisional Jurisdiction of this Court, unless the impugned order appears to be perverse and erroneous and is likely to

cause grave injustice, no interference is called for. Merely because the second view is possible, this Court cannot interfere with the impugned orders.

8) The thrust of the Petitioner's contention is that in a compromise, the land admeasuring 1 Hector 25 Are was given to the Respondent/wife and the same has been sold by her. The sale proceeds being Rs. 25,00,000/- (Rs. Twenty Five Lakhs), can surely be said to be sufficient to take care of the Respondent's interest. The said submission appears to be unsustainable on account of the finding of facts by the learned Magistrate.

9) In paragraph 11 of his Judgment, the learned Magistrate has, on the basis of the oral and documentary evidence, concluded that the Petitioner had received the land admeasuring 1 Hector 24 Are towards the Southern side by way of compromise in Special Civil Suit No. 66 of 2001. The Petitioner, however admitted in the cross-examination that he had sold the said land to a third person for an amount of Rs. 9,00,000/- (Rs. Nine Lakhs). He further admitted in the cross-examination that it is the same land, which he has already sold, that was handed over to the Respondent/wife and his son Shrenik by way of a compromise. Shrenik has thereafter passed away. The learned Magistrate therefore, concluded that the Petitioner herein had entered

into paper-work of handing over the land to the wife, which in fact, he had earlier sold to another person.

10) As such, it is apparent that the Petitioner had entered into a frivolous paper arrangement.

11) In the light of the above, I do not find that the impugned orders could be termed as being perverse and erroneous. This petition being devoid of merits is therefore dismissed.

(RAVINDRA V. GHUGE, J.)