

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPW) NO. 56 OF 2016

IN

CRIMINAL WRIT PETITION NO. 831 OF 2015

(AJAY DHANRAJ BAGAITKAR...VS..KALYANI AJAY BAGAITKAR & ANR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : APRIL 25, 2016.

Heard Shri S.S. Dhengale, advocate for the applicant.

The applicant seeks modification of the judgment passed by this Court on 15th March, 2016 by which the writ petition filed by the applicant is partly allowed, the order passed by the learned Additional Sessions Judge which was challenged in the writ petition is modified and the directions given by the learned Additional Sessions Judge to the applicant to pay Rs.3,000/- per month came to be set aside and the directions given to the applicant to pay Rs.1,500/- per month to the minor son are maintained.

In the order passed by this Court on 15th March, 2016, it is recorded that the applicant is paying Rs.5,000/- per month to the non-applicant No.1 (wife), but it is stated that the applicant is paying Rs.3,000/- per month to the non-applicant No.1(wife) and Rs.2,000/- per month to the non-applicant No.2 (minor son). The order passed by the Family Court on 22nd March, 2013 records that the applicant is

liable to pay Rs.3,000/- per month to the non-applicant No.1(wife) and Rs.2,000/- per month to the non-applicant No.2(minor son). However, in the operative part of the order the applicant is directed to pay the entire amount of Rs.5,000/- per month to the non-applicant No.1(wife) as the non-applicant No.2 (son) is minor.

The learned advocate for the applicant has submitted that the non-applicant No.2 (minor son) is not entitled for the enhanced amount of Rs.1,500/- per month towards the maintenance as he is already receiving Rs.2,000/- per month towards the maintenance as per the order passed by the Family Court on 22nd March, 2013. The submission as made on behalf of the applicant cannot be accepted. The directions given by the learned Additional Sessions Judge to the applicant to pay an amount of Rs.1,500/- per month to the non-applicant No.2 (minor son) were consciously maintained after considering the facts on record.

I see no reason to modify the judgment/ order.
The application is **dismissed**.

JUDGE