

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL WRIT PETITION NO.897 OF 2015

(Sanjay s/o Gunwantrao Gayakwad ..vs.. Smt. Sangita w/o Sanjay Gayakwad and another)

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 : 03-03-2016

Heard Shri S.O. Ahmed, Advocate for the petitioner.

None appears for the respondents though served.

2. By the order dated 08-08-2012, the Family Court had directed the petitioner to pay Rs.1,000/- per month to each of the respondents towards maintenance. This amount was not paid and therefore, the respondents filed Petition No.ER-57/2014 under Section 128 of the Code of Criminal Procedure for recovery of the amount. The Family Court has passed the impugned order directing that Rs.6,000/- per month shall be attached from salary of the petitioner to recover the arrears of maintenance allowance, in eight equal instalments. The petitioner being aggrieved by the above order, has filed this petition.

3. Shri S.O. Ahmed, Advocate for the petitioner has submitted that the petitioner has never denied the liability of paying the amount of arrears of maintenance

allowance, however, as he is receiving take home salary of Rs.10,494/- per month and has the liability to maintain his mother and married sister who is living with him, he may be granted permission to pay Rs.2,000/- per month to the respondents towards the arrears of maintenance allowance. The submission as made by the learned Advocate for the petitioner was not made before the Family Court and there is no explanation for it except blaming the advocate who represented the petitioner before the Family Court. I find that there are no bonafides on the part of the petitioner and the respondents are unnecessarily deprived of their legitimate claim inspite of order passed by the Family Court. The petitioner is not disputing the entitlement of the respondent No.2-his son to receive the amount of maintenance allowance from the petitioner.

4. In view of the above, I am not inclined to interfere with the impugned order in supervisory jurisdiction. The petition is dismissed.

JUDGE