

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

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

Court's or Judge's orders

CRIMINAL APPLICATION NO. 2612 OF 2016
IN REVNST/119/2016 WITH REVNST
NO.119/2016

SURAJ S/O. UTTAM RODE
VERSUS

KIRAN W/O. SURAJ RODE AND OTHERS

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Advocate for the applicant: Mr. A.T. Jadhavar
Advocate for the respondents : Mr.B.G. Deshmukh

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CORAM: S.S. SHINDE, J
Dated: December 07, 2017

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Heard learned counsel appearing for
the applicant and learned counsel
appearing for the Respondents.

2. Learned counsel appearing for the
applicant submits that, the respondent-
wife is serving in some private
institution and earning the handsome
amount. He further submits that, the
applicant is serving in private ashram
school as Superintendent. Since the said

ashram school is not getting grant-in-aid, the applicant is receiving only meagre amount. It is submitted that, the findings recorded by the Family Court that, the applicant is getting Rs.5,000/- from the rent is without any basis, in as much as, no documentary evidence was placed on record by the Respondent-wife. He submits that, the applicant is suffering from various ailments and requires money for treatment. Therefore, the impugned order needs to be modified.

3. On the other hand, learned counsel appearing for Respondents submits that, the Family Court after examining the facts and material placed on record has reached to the just and correct conclusion in concluding para of the judgment. He submits that, if the price index of the commodities is kept in view and the expenses borne for the maintenance of Respondent Nos.2 and 3 are considered, in fact the Family Court ought to have granted more amount towards maintenance. Therefore, he submits that, the application may be rejected.

4. Heard learned counsel appearing for both the parties. There is 192 days delay

in filing the revision application. However, for the reasons stated in the application, though the prayer for condonation of delay is vehemently opposed by learned counsel appearing for the Respondents, the delay deserves to be condoned. Accordingly the delay stands condoned and the Criminal Application No. 2612 of 2016 stands disposed of.

5. On the merits of the contentions of learned counsel appearing for the applicant and respondent no.2, I am of the opinion that, since the applicant is receiving Rs. 8,000/- per month towards salary, the Respondents are entitled for receiving the amount towards maintenance from his salary. Whether the Respondent-wife is serving in some educational institution and she is getting some amount towards salary is a disputed question of fact and without laying any factual foundation by placing on record relevant documents like order of appointment of wife and salary slip, it is not just and proper to rely upon the oral submissions made by learned counsel appearing for the applicant that, the respondent-wife is serving as a teacher in private institution.

6. Be that as it may, there is no reason to interfere in the impugned judgment and order of the Family Court. Hence, the Criminal Revision Application sans merits, hence stands rejected.

(S.S. SHINDE, J)

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