

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 30 OF 2017**

Mr. Ajay Vijaysingh Pardeshi

..Applicant

Vs.

Mrs. Rakhi Ajay Pardeshi & Ors

..Respondents

Mr. Prashant Darandale for the Applicant

CORAM : R. M. SAVANT, J.

DATE : 10th MARCH, 2017

P.C.

1 The Revisionary Jurisdiction of this Court is invoked against the order dated 24-10-2016 passed by the Learned Judge of the Family Court, Pune by which order the application filed by the Respondent No.1 under Section 127 of the Criminal Procedure Code claiming enhancement in the maintenance amount came to be allowed and the amount of maintenance came to be enhanced in terms of the amount granted as mentioned in clause (2) of the operative part of the impugned order.

2 The Petitioner and the Respondent No.1 were married on 11-3-2003 and have two children i.e. sons by name Tanmay and Hariom. It is an undisputed position that the Petitioner and the Respondent No.1 are presently estranged and are living separately. The Applicant herein has filed the Petition for restitution of conjugal rights in the court of the Learned Civil Judge Senior

Division, Niphad bearing HMP No.49 of 2007. The Respondent herein filed the proceedings under Section 125 of the Criminal Procedure Code claiming maintenance of Rs.10,000/- for herself and Rs.20,000/- for her two children. Suffice it would be to state that the Family Court by order dated 20-8-2012 allowed the said maintenance application and granted maintenance in the sum of Rs.2000/- for the Respondent No.1 and Rs.1000/- each to the two children totally amounting to Rs.4000/- per month. The Respondent No.1 after a lapse of about 2 years of the passing of the order dated 20-8-2012 filed Criminal Misc Application under Section 127 of the CrPC claiming enhancement in the maintenance amount in the changed circumstances arising out of the costs of living having been increased. The said application was replied to on behalf of the Applicant herein. The Learned Judge of the Family Court having regard to the fact that the Petitioner is engaged in the business of making idols in the name of Kala Sagar Arts and the income drawn therefrom which is in the region of Rs.2,50,000/- per month as also the immovable properties owned by him and considering the fact that the prices of the essential commodities have increased manifold since the year 2012, deemed it appropriate to increase the maintenance granted to the Respondent No.1 and two children. The maintenance amount was accordingly increased from Rs.2000/- to Rs.5000/- for the Respondent-wife and from Rs.1000/- each to Rs.2500/- each for the two children thereby making the total maintenance amount in the sum of Rs.10,000/-. It is the said order dated 24-10-2016 which is taken exception to

by way of the above Petition.

3 The Learned Counsel appearing on behalf of the Applicant Mr. Darandale would contend that without there being any material on record, the Trial Court has erred in increasing the maintenance amount as granted by the impugned order.

4 In my view, it is not possible to accept the said contention urged on behalf of the Learned Counsel for the Applicant. The order passed by the Trial Court indicates that the Trial Court has inter alia taken into consideration various aspects, including the aspect of the prices of essential commodities having increased manifold from the year 2012. In my view considering the fact that the Respondent has to maintain herself and the two minor sons who are school going and considering the financial wherewithal of the Applicant, the increase in maintenance cannot be said to be excessive or exorbitant. Hence no fault can be found in the impugned order in so far as exercise of jurisdiction by the Trial Court to increase the maintenance amount is concerned. No case for interference therefore in the Revisionary Jurisdiction of this Court is made out. The Revision Application is accordingly dismissed.

[R.M.SAVANT, J]