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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.519 OF 2017**

Tabrez Manir Khan & Ors.

... Petitioners

vs.

Shaheen Tabrez Khan & Anr.

... Respondents

Mr. Vikas B. Shivarkar for the Applicant.

Ms. Pallavi N. Dabholkar, APP for the State.

CORAM : A.K. MENON, J.

DATE : 8th JUNE, 2017

P.C.:

1. By this application the petitioner challenges the order of the Sessions Judge, Pune passed under Section 25 of the Protection of Women from Domestic Violence Act, 2005. By the said order the Sessions Court enhanced interim maintenance and the provision for alternate accommodation in monetary terms from Rs.1500/-.

2. Being aggrieved by the order of the Trial Court the first respondent had preferred the appeal. The Sessions Court directed respondent no. 1 to pay Rs.5000/- per month towards interim maintenance till final disposal of the main application as also sum of Rs.3000/- per month towards monthly rent for accommodation. The Sessions Court also requested the Magistrate Court to dispose of the proceeding within a specified time. The petitioner is aggrieved by the said enhancement.

3. Learned Counsel for the petitioner submitted that there was no case whatsoever made out for enhancement. On the other hand the respondent no. 1 is residing with her parents. There was no question of providing any alternate accommodation and even the maintenance allowed is excessive. In fact it is submission of the petitioner that even the sum of Rs.1500/- ordered by the Magistrate Court ought not to be paid and the said amount deserves to be reduced.

4. Heard learned Counsel for the petitioner. Having perused the impugned order it appears that the respondent had contended that the petitioner husband was earning Rs.1,20,000/- per month. This fact was disputed. However, it appears that the respondent has since shown monthly income as Rs.60,000/- per month as recorded in order of the Sessions Court. In the circumstances no case whatsoever it is made out for interference. The enhancement in my view is justified. Hence, I pass the following order.

- (i) Writ Petition is dismissed.
- (ii) There will be no order as to costs.

(A. K. MENON, J.)