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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.216 OF 2017
IN
CRIMINAL MISCELLANEOUS APPLICATION NO.73 OF 2013**

Satish Gopinath Gore

... Applicant

vs.

Smt. Mangala Satish Gore & Anr.

... Respondents

Mr. Kaustubh N. Marathe for the Applicant.

Mr. Pramod J. Pawar for the Respondent no.1.

Mr. S. V. Walve, APP, for the Respondent-State.

CORAM : A.K. MENON, J.

DATE : 20th JUNE, 2017

P.C.

1. By this application, the applicant husband seeks to challenge an order dated 29th June, 2016 passed by the Family Court enhancing the maintenance payable to the respondent-wife from Rs.4,000/- to Rs.7000/- effective from 30th October, 2013. The only challenge in the present application and as canvassed by the learned counsel for the applicant is that the grant of enhancement was not justified in the facts of the present case and in not keeping with the decision of the Supreme Court in the matter of *Jaiminiben Hirenbbhai Vyas and another v/s. Hirenbbhai Rameshchandra Vyas and another AIR 2015 SC 300*. Relying upon the said decision, the learned counsel submitted that there should be effective reason as to why maintenance has been ordered from a particular

date. He submitted that in the present case there has been no reason given for granting enhancement maintenance of Rs.7000/- from 30th October, 2013.

2. In my view, there is no substance in the present challenge. The order is well reasoned. It sets out that the applicant had admittedly married a second time and he has four children from the second marriage. Even otherwise the impugned order records that two of the sons are major. In the cross examination the applicant has admitted that he is receiving pension of Rs.25,000/- and the daughters have completed education. Although he denies that they are employed he has admitted to have received a gratuity of Rs.10,00,000/- and Provident Fund of Rs.20,00,000/- at the time of retirement. However, he denied that he has sufficient amounts by way of fixed deposits. In paragraph 12, the impugned order records that the net pension received by him is Rs.24,971/-.
3. In the circumstances, I find that the learned Judge has dealt with the facts situation satisfactorily. There is no substance in the present challenge. The amount ordered to be paid by way of insertion is less than 1/3rd of the net pension being received by the applicant. In the circumstances, there is no scope for interference with this order. I therefore pass the following order:-
 - (i) Application is dismissed.
 - (ii) No order as to costs.

(iii) The trial Court may therefore proceed with the execution in accordance with law.

(A. K. MENON, J.)