

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

APPELLATE CRIMINAL JURISDICTION

WRIT PETITION NO.1391 OF 2016

Sriram Sadashiv Chavan	.. Petitioner
vs	
Harshala Sriram Chavan	.. Respondent

Mr.P.V.Dhopatkar for Petitioner
None for Respondent

***CORAM : G.S.KULKARNI, J
DATE: 20 DECEMBER 2017***

P.C.

Heard learned counsel for the petitioner.

2. The challenge in the petition is to the order dated 8.3.2016 passed by the Additional Sessions Judge, Khed-Rajgurunagar, Pune whereby the application of the petitioner below Exhibit 5 in Criminal Appeal No. 140 of 2014 seeking stay to the execution and operation of the order dated 8.3.2013 has been rejected. By an order dated 8.3.2013 the learned Judicial Magistrate, First Class, Khed-Rajgurunagar, Pune allowed the application as filed by the respondent-wife in the following terms:

13. "So far as maintenance is concerned, it is proved that she is residing at her parents house. The respondent no.1 earn Rs.25,000/- as he is serving in the company. Therefore, the said fact can be considered."

3. Aggrieved by the said order, the petitioner had approached in an appeal before the Additional sessions Judge, Khed-Rajgurunagar, Pune.

4. I have perused the order dated 8.3.2013 passed directing the petitioner to pay Rs.5000/- to the respondent-wife towards maintenance. The learned Judicial Magistrate, First Class has taken into consideration the fact that the petitioner is earning Rs.25,000/- from his employment working with the company. It is also recorded that *prima facie* there was a case of domestic violence as asserted on the part of the respondent. The only contention as urged on behalf of the petitioner in application at Exhibit 5 in the appeal was that the petitioner was not in employment and that he was taking treatment at KEM Hospital. The learned Appellate Judge has however observed that though these assertions are made, not a single

document is placed on record and in its absence, it was difficult to accept the case of the petitioner and accordingly dismissed the application below Exhibit 5.

5. Having heard and perusing the orders, I do not find that there is any infirmity in the order dated 8.3.2016 passed by the learned Sessions Judge.

6. Petition is devoid of merits and it is accordingly rejected.

{G.S.KULKARNI, J}