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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL REVISION APPLICATION NO.320 OF 2016**

Agnel Sagaya Raxon Nadar

... Applicant

vs.

Sahaya Jenifer Raxon alias

Sahaya Jenifer Raxon Nadar & Anr.

... Respondent

Ms. Priscilla Samuel Nadar for the Applicant.

Mr. A. D. Khandalkar, APP, for the Respondent-State.

**CORAM : A.K. MENON, J.**

**DATE : 20<sup>th</sup> JUNE, 2017**

**P.C.**

1. By this application, the applicant is aggrieved by the order dated 17<sup>th</sup> March, 2016 passed by the Court of Sessions whereby the interim maintenance granted was enhanced. The Magistrate passed an order dated 12<sup>th</sup> October, 2015 directing payment of Rs.15,000/- p.m. towards maintenance. By the impugned order passed by the Sessions Court the interim maintenance was enhanced from Rs.15,000/- to Rs.25,000/- (Rs.15,000/- for wife and Rs.10,000/- for daughter) since the Court found that the amount of Rs.15,000/- will not be reasonable and adequate for maintenance for the wife and the children.
2. Aggrieved by the said order, the applicant has filed this revision application in which the learned counsel contended that the enhancement is not justified in the facts of the case. According to her, the salary of

Rs.1,78,000/- approximately as disclosed in the salary statement dated 20<sup>th</sup> February, 2014 copy of which appears at page 43 of this application. It is not a fixed amount. The basic salary is only 689 Omani Riyals and therefore the salary will not be Rs.178000/- for every month of the year. Some of the amounts disclosed in the said Exhibit are for overtime work, scheduled allowances etc. which are not recurring payments but subject to the work done from time to time. On a query from the Court as to the particulars of other monthly payments before and after February 2014, the learned counsel states that there is nothing on record to show the present salary of the applicant. The impugned order proceeds on the basis of an admitted amount. It is only an interim order. It is always open to the applicant to lead evidence before the lower Court as to the regular income of the applicant.

3. In the circumstances, there is no merit in the present challenge. The applicant will be at liberty to establish before the trial Court the regular income if the trial Court considers it necessary at the appropriate stage. In the circumstances, I pass the following order:-
- (i) Application is dismissed.
  - (ii) No orders as to costs.

**(A. K. MENON, J.)**