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

CRIMINAL REVISION NO.40 OF 2015

Anup S/o Annaji Gopnarayan,
aged 34 years, Occu. Service,
R/o Sant Dnyaneshwar Nagar,
Masola, Tq. Sevagram, Wardha,
Dist. Wardha

..APPLICANT

VERSUS

Sau. Janvi W/o Anoop Gopnarayan,
aged 28 years, Occ. Household,
R/o C/o Bhagwan Bhiwaji Shegokar,
Renuka Nagar, Dabki Road, Akola,
Tq. & Dist. Akola

..RESPONDENT

Mr I.J. Damle, Advocate for applicant;
Mr N.R. Tekade, Advocate for respondent

CORAM : N.W. SAMBRE, J.

DATE : 23rd March, 2017

ORAL ORDER

By the instant revision, the applicant - husband challenges the judgment and order dated 31st January, 2015, passed by learned Judge, Family Court, Akola, in Petition No.E-135 of 2013, whereby the applicant has been directed to pay maintenance of Rs.7,000/- per month to the respondent – wife from the date of the application, i.e. 21st November, 2013. It is also ordered by the learned Family Court that the amount of interim maintenance ordered in the proceedings under the Protection of Women from Domestic Violence Act be adjusted in the aforesaid proceedings.

(2)

2. Amongst other, Mr Damle, learned Counsel appearing on behalf of the applicant submits that the order impugned is not sustainable as the applicant was very much ready and willing to cohabit with the respondent – wife. In order to substantiate his contention, he would invite attention of this Court to the notice served on the respondent for cohabitation and evidence of the applicant recorded on 12th November, 2014. According to him, the amount of maintenance awarded to the tune of Rs.7,000/- per month is exorbitant to the known source of income of the applicant, he being employed in the Police Department. He would submit that the judgment and order impugned herein needs to be set aside.

3. With the assistance, I have perused the entire record. It is to be noted that after the marriage, the respondent – wife started residing separately. The relationship between the applicant and the respondent as husband and wife is not in dispute.

4. The applicant's employment with Police Department in the capacity of Constable is also not in dispute, so did his earning of Rs.21,000/- per month as salary. Though the applicant had set up a plea that his take home salary is about Rs.18,000/- per month and he is required to maintain his mother and sister, still it is required to be noted that the applicant's brother is also serving in the same capacity and a finding is recorded that they are living together.

(3)

5. In view thereof, having regard to the amount of salary earned by the applicant, in my opinion, the maintenance amount of Rs.7,000/- per month as ordered by the learned Judge of the Family Court does not warrant any interference. Thus, Criminal Revision fails and stands rejected.

(N.W. SAMBRE, J.)

amj