

(1)

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

CRIMINAL REVISION APPLICATION NO.73 OF 2015

Thalraj @ Anand s/o Jaisingh Khinchi,
Aged about 35 years, Occ: Unemployed,
R/o. Binaki Mangalwari, near
Old Cattle Pond, Nagpur. ..APPLICANT

VERSUS

Utkarsha s/o Thalraj @ Annand
Khinchi, represented through his
mother Smt. Jyoti w/o Thalraj
@ Annand Khinchi of before
marriage (Jyoti Bajrangsingh
Chavhan) Uchcha Prathmik Shala
Chankapur Khaperkheda Tah.Saoner,
Dist. Nagpur, Through Education
Officer Zilla Parishad (Primary)
Civil Line, Nagpur. ..RESPONDENT

Mr P.K. Mishra, Advocate for applicant;
None for respondent

CORAM : N.W. SAMBRE, J.

DATE : 20th MARCH, 2017

ORAL ORDER :

On 10th March, 2014, Family Court, Nagpur,
has awarded maintenance of Rs.1500/- per month in
favour of respondent-son, in the petition being
Petition NO. E-225 of 2011, which order is
questioned in the present revision application.

(2)

2. Amongst other, the grounds that are raised by the applicant are; the respondent is not entitled for maintenance, as the mother in whose custody he is, is already remarried after divorce. The other submission is for the recovery proceedings, the applicant cannot be ordered to be detained in civil prison.

3. It is required to be noted that the alleged marriage as has been claimed of the wife, who is not before this Court after divorce is an issue for which there remains remedy available to the applicant and it will be open for the applicant to take out such proceedings as will be advisable in accordance with law.

4. So far as the order of grant of maintenance of Rs.1500/- per month to respondent-son is concerned, the Family Court, while dealing with the claim, has considered source of income of present applicant and his liability to maintain his son. The paternity of son is not in dispute.

(3)

5. In view thereof, the order of Family Court awarding maintenance of Rs.1500/- per month in favour of respondent-son, in my opinion, appears to be just and proper and with legal basis. As such, no interference in revisional jurisdiction could be noticed. Criminal Revision Application fails and stands rejected.

(N.W. SAMBRE, J.)

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