

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL REVISION APPLICATION NO.157/2016
Sanjay Gulabrao Taware Vs. Sau. Sonali Sanjay Taware and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri M.G.Rathi(Appointed) for applicant.

CORAM : N.W.SAMBRE, J.
DATE : MARCH 24, 2017

On June 20, 2016, the Judge, Family Court, Amravati, in exercise of power under Section 125 of the Code of Criminal Procedure directed present applicant to pay maintenance of Rs.3,000/- per month to each of the respondents i.e. respondent no.1-Sonali, 1st wife and respondent no.2-Dhiraj, born out of said relationship.

The order of maintenance is questioned by the applicant-husband. As such, the present revision application.

Shri Rathi, learned counsel for the applicant while inviting attention of this Court would urge that the very object of providing remedy under Section 125 is to take care of the distress woman who is financially unstable after parting with the company by husband upon refusal to maintain her and to take care of her. According to him, in the present case, the marriage is of 2004 and the decree of divorce came to be passed in the present proceedings on 15.02.2011. He would urge that once the decree of divorce is passed, and for an almost last 8 years,

there was no claim for maintenance, the Court below erred in awarding maintenance under Section 125 at such a belated stage.

His next submission is, the disproportionate amount of maintenance awarded by the learned Court below

So far as claim for award of disproportionate amount of maintenance is concerned, it was not brought on record through any documentary or oral evidence about source of income by the present applicant. Even in the present case, it is not brought on record in the form of documentary evidence so as to infer that the amount of maintenance ordered is disproportionate.

Though, there is a decree of divorce, in my opinion, there is no legal impediment in claiming maintenance particularly under Section 125. In such an eventuality, the proceedings under Section 125 of the Code of Criminal Procedure are maintainable in case husband and wife have entered into decree for divorce. As such, contention that the claim under Section 125 is filed at belated stage, in my opinion, will have no consequence. No case is made out for interference for want of jurisdiction.

The revision application is rejected.

JUDGE