

Vidya Amin.

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

WRIT PETITION NO. 269 OF 2015

Salim Shahbuddin Bangi	...	Petitioner
vs.		
Rehana Mehboob Mujawar & Ors.	...	Respondents

Mr. Sarang Fulbandhe i/b. Meena A. Fulbandhe, Advocate for the petitioner.

Mr. Rahimtulla M. Momin, Advocate for respondent nos. 1 and 2.

Mrs. Rutuja Ambekar, APP for the respondent/State.

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: 23rd October, 2018

P.C. :

Rule. Rule made returnable forthwith. By consent, the Writ Petition is heard finally and decided at the stage of admission.

2. This Writ Petition is directed against the judgment and order dated 30th July, 2014 passed by the learned Sessions Judge, Sangli in Criminal Revision Petition No. 54 of 2011.

3. The respondent/wife has filed Miscellaneous Application No. 488 of 2006 under section 3 of the Muslim Womens' (Protection of Rights on Divorce) Act, 1986. The learned IV Joint Judicial Magistrate First Class, Sangli by order dated 1st January, 2011 has

directed the present petitioner to pay an amount of Rs.2,50,000/- to respondent/wife for Iddat period and to pay amount of Rs.1,500/- per month to present respondent no. 2/daughter for two years towards maintenance. The said order was challenged in the Revision Petition for enhancement by the respondent/wife. The said Revision Petition was partly allowed. The amount of Rs.2,50,000/- for Iddat period was enhanced upto Rs.4,50,000/-. The amount of maintenance to be paid to respondent no. 2/daughter was not changed. Hence, this Petition is filed by the petitioner/husband.

4. The learned counsel for the petitioner submitted that the petitioner is having two children from his first marriage. After the death of his first wife, he got married with the respondent. He is paying Rs.1,500/- p.m. to the daughter, who is staying at present with the respondent no. 1/wife. The learned counsel submitted that the petitioner's salary is only Rs.18,000/- p.m. and he has to look after his mother and two children. The learned counsel submitted that the amount of Rs.4,50,000/- for iddat period is excessively enhanced.

5. The learned counsel for the respondents opposed this Writ Petition and has submitted that the petitioner was drawing salary of Rs.18,000/- in the year 2004 and now the salary is increased.

6. Heard the submissions. Considered the record. On query, it is informed that the two sons of the petitioner, who are born from the first wedlock, are not minor. The amount of Rs.4,50,000/- granted for iddat period is reasonable. No illegality is found in the order passed by the learned Sessions Judge, Sangli.

7. The learned counsel for the petitioner submitted that the petitioner has already paid an amount of Rs. 1,25,000/-. He further submitted that some concession be given in the payment of amount of Rs.4,50,000/- by way of instalments.

8. Hence, following order is passed:

- (i) No interference is required in the order dated 30th July, 2014 passed by the learned Sessions Judge, Sangli;
- (ii) Writ Petition is dismissed;

- (ii) The petitioner has already paid an amount of Rs.1,25,000/- to the respondent/wife, hence, balance amount of Rs.3,25,000/- is to be paid by the petitioner/husband to the respondent/wife on the following dates:

Rs. 1,25,000/- is to be paid on or before 31st October, 2018.

Rs.1,00,000/- is to be paid on or before 30th November, 2018.

Rs.1,00,000/- is to be paid on or before 31st December, 2018.

(MRIDULA BHATKAR, J.)