

Mr. Kirankumar Phakade for Petitioner.
Mr. Ravi P. Kadam for Respondents No.1 to 4.

P.C. :

2. This Petition takes exception to the order 15.10.2012 passed by the learned Additional Sessions Judge, Satara in Regular Criminal Appeal No.35 of 2010. By that order, the Appellate Court allowed the appeal preferred by the respondents No.1 to 4 herein and modified the order dated 08.03.2010 passed by the learned Judicial Magistrate, First Class, Koregaon below exhibit-23 in Criminal Miscellaneous Application No.9 of 2009. The learned Sessions Judge partly allowed the appeal filed by the petitioner under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short 'D.V. Act'). The learned Sessions Judge directed the respondent No.1 Sachin Bhiku Bhosale to pay the amount of Rs.1,500/- per month to the petitioner and her son jointly towards the maintenance in addition to the maintenance amount awarded in Criminal Miscellaneous Application No.89 of 2007 from the date of the application i.e. 19.03.2010. Respondent No.1 is further directed to pay Rs.1,500/- per month towards the rent for the separate accommodation to the petitioner. Respondent No.1 is also

directed to pay Rs. 4,000/- to the petitioner towards the compensation amount under Section 22 of the D.V. Act, within one month from the date of the order.

3. The petitioner herein had filed application under D.V. Act on 22.01.2009 before the learned J.M.F.C., Koregaon. By order dated 08.03.2010, the learned Magistrate restrained respondents from causing any domestic violence against the petitioner and directed respondent No.1 to offer one room out of his three rooms situate at Chandannagar, Yerwada, Pune as residential premises to the petitioner or accommodate the petitioner in his residence at Mauje Shirambe. The respondent No.1 was further directed to pay Rs.1,500/- per month towards maintenance to the petitioner and their son Prasad from the date of the application. In addition, respondent No.1 was directed to pay compensation of Rs.4,000/- under Section 22 of the D.V. Act.

4. Aggrieved by that decision, respondents preferred appeal before the Sessions Court, Satara. By the impugned order, the Appellate Court partly allowed the appeal in the following terms:

“(2) The final order passed by the Ld. Trial Court is modified as under:

(A) The application under Section 12 of the Act filed by the applicant is partly allowed.

(B) Opponent No.1 shall pay the amount of Rs.1,500/- per month to the applicant and her son jointly towards the maintenance in addition to the maintenance amount awarded in Cri. Misc. Appln. No.89/2007, from the date of this application i.e. from 19.03.2010.

(C) Opponent No.1 shall pay Rs.1,500/- per month towards the rent for the separate accommodation to the applicant.

(D) The opponent No.1 shall pay Rs.4,000/- to the applicant towards the compensation amount under Section 22 of the Act, within one month from the date of this order.

(E) The claim of the applicant for Protection Order

under Section 18 of the Act is rejected.”

5. Aggrieved by that decision, petitioner has instituted this Petition. It is common ground between the parties that in proceedings, namely Criminal Miscellaneous Application No.89 of 2007, maintenance was awarded @ Rs.1,100/- per month. A perusal of the operative part of the order, clause (B) extracted hereinabove, indicates that the learned Sessions Judge has directed the respondent No.1 to pay Rs.1,500/- per month to the applicant and her son jointly towards the maintenance in addition to maintenance amount (Rs.1,100/- per month) awarded in Criminal Miscellaneous Application No.89 of 2007. In other words, in the appeal preferred by the respondents challenging the order dated 08.03.2010 passed by the learned Magistrate, the learned Sessions Judge has awarded additional maintenance to the petitioner herein. Respondents have not challenged the order impugned herein.

6. Mr. Phakade mainly attacked clause (C) of the operative part of the order dated 15.10.2010 whereby respondent No.1 is directed to pay Rs.1,500/- per month towards the rent for separate accommodation. In my opinion, no fault can be found with that direction for the reasons recorded by the learned Sessions Judge in paragraph 17 of the impugned order. Hence, Petition fails and the same is dismissed.

(R. G. KETKAR, J.)

Minal Parab