

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 165 OF 2018

Mahimood s/o Hamidali Patel ...Applicant

Versus

Mrs. Shahenaz begum w/o Mahiboob Patel ...Respondent

Ms. Tejal Poyrekar, h/f Mr. Shrishail Sakhare, for the
Applicant.

CORAM: M. S. SONAK, J

DATED: 18th December, 2018

PC:-

1. Heard Ms. Tejal for the petitioner. The challenge in this petition is to the order dated 8th January, 2018 made by the learned Trial Judge awarding interim maintenance of Rs.2,000/- to the respondent.

2. Ms. Poyrekar submits that the applicant is the only earning member in his family which comprises of his parents and two sisters. She submits that the applicant's income is not Rs.9,000/- per month as held by the learned Trial Court. She submits that the applicant does not earn any fixed amount and therefore, even she is not able to make any statement as to the income of the petitioner.

3. On perusal of the impugned order and the material placed on record, it is apparent that the applicant is an auto-rickshaw driver. The learned Trial Court has held that there is material on record to suggest that the applicant must be earning at least Rs.300/- per day. The learned Trial Judge has made allowances

for the expenses and thereafter held that there is no reason not to hold that the applicant is earning about Rs.9,000/- per month. After giving due allowances to the other expenses, which the applicant may have to made, the respondent has been awarded maintenance of only Rs.2,000/- per month.

4. Taking into consideration the fact that even the applicant is not at all candid with the Court and it cannot be said that the view taken by the learned Trial Judge in the impugned order is beyond the bounds reasonability. There is accordingly, no case made out to interfere with the impugned order.

5. Petition is therefore dismissed. There shall be no order as to costs.

[M. S. SONAK J.]