

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

**CRIMINAL REVISION (ST) NO. 291 OF 2016
WITH
CRIMINAL APPLICATION NO. 253 OF 2016
WITH
CRIMINAL APPLICATION NO. 259 OF 2016**

Shri Appasaheb Ramchandra Arkade ... Applicants
and Ors.

Versus

State of Maharashtra & Anr. ... Respondents

Mr. H. S. Anand for Applicants.
Mrs. N. S. Jain, APP for Respondent No.1 – State.
Ms. Manjula Rao for Respondent No.2.

**CORAM : NITIN W. SAMBRE, J.
DATE : APRIL 11, 2018.**

P.C. :

. The learned Metropolitan Magistrate, 34th Court, Vikhroli,
Mumbai, by an order dated 13th March, 2015 awarded maintenance of Rs.
12,000/- which was reduced to Rs. 10,000/- per month by the Appellate
Court under Section 25 of the Protection of Women from Domestic

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Violence Act, 2005. This order was subject matter of challenge, at the behest of both the parties.

2. In Writ Petition No. 4415 of 2015 preferred by Respondent – wife it was claimed that the order awarding maintenance of Rs. 12,000/- per month passed by the learned Magistrate be restored.

3. This Court dismissed the said Writ Petition No. 4415 of 2015 on April 10, 2018 by a speaking order having noticed the source of income of the Petitioner – husband, the quantum of income etc.

4. In the present Revision, the Applicant - husband has questioned the order of awarding maintenance of Rs. 10,000/- per month and volunteers to pay Rs. 7000/- per month as reflected in the order dated July 11, 2016. The only issue which is required to be appreciated by this Court in the present Revision is whether the order of award of maintenance of Rs. 10,000/- warrants any interference and the amount is liable to be reduced to Rs. 7000/-.

5. From the record it would be noticed that the Applicant – husband holds certain immovable property which is giving him fixed income. If the income from the said source is appreciated, particularly as considered in Para No. 18 of the order passed by the Appellate Court, the award of maintenance of Rs. 10,000/- appears to be reasonable.

6. Though Mr. Anand, the learned Counsel for Applicants has urged that there are other liability and as such the income is not sufficient to meet the order of maintenance, I hardly noticed any material on record to infer such liability.

7. Apart from above, it is to be noted that the Applicant - husband has not disputed his liability to pay maintenance and what is disputed is quantum to the extent of Rs. 3000/- per month.

8. For the reasons recorded herein, no error of jurisdiction could be noticed. Revision sans merits. As such, the same is dismissed.

9. The amount deposited in this Court towards the arrears of maintenance is permitted to be withdrawn by the Respondent – wife.

10. In view of dismissal of the Revision, it shall be open to Respondent – wife to execute the order of maintenance.

11. Liberty to move the said court for expeditious disposal.

12. In view of dismissal of the Revision, Criminal Application Nos. 253 of 2016 and 259 of 2016 do not survive. Hence, both the Criminal Applications are disposed of accordingly.

(NITIN W. SAMBRE, J.)