

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Cr. Revision Application NO. 525 OF 2017

Avinash Sudam Kharat

...Applicant

Versus

Sangita Avinash Kharat And Ors

...Respondents

Mr.Manoj B.Bagal i/b. Mr.Ajit M.Savagave, for the Applicant.

CORAM : G.S.KULKARNI, J.***DATE : 8 February 2018*****P.C. :**

1. Heard the learned Counsel for the applicant. Challenge in this revision application is to the impugned order dated 9 November 2016 passed by the learned Judge, Family Court No.6 at Mumbai whereby the application of the respondent for maintenance has been granted with a direction that the applicant shall pay maintenance at the rate of Rs.1500/- per month for son Aditya from the date of the application i.e. 7 March 2015 till disposal of the main petition.

2. The only contention as urged on behalf of the applicant is that he is no more in employment, though the Court has recorded that the applicant is working as a clerk and getting salary of Rs.7000/- per month. The next contention is that he is not keeping good health.

3. It is quite clear that all these issues were not placed before the trial Court and the impugned order came to be passed. In any event, the impugned order is an interim order. The impugned order has remained in operation till date. If the applicant intends to seek modification of the impugned order in view of change of circumstances, it is always open to the applicant to approach the Family Court by moving necessary application in that regard. The impugned order on the issues as being urged on behalf of the applicant, cannot be interfered.

4. The revision application is accordingly disposed of with liberty to the applicant to move a necessary application for modification of the order if circumstances so arise. All contentions of the parties on merits of the matter are expressly kept open.

(G.S.KULKARNI, J.)