

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

WRIT PETITION NO. 4083 OF 2017

Pradeep Goyal & Ors.

...Petitioners

Vs.

Meenal Ramesh Sawant & Anr.

... Respondents

.....
Mr. Shivam Nagalia for the Petitioner.
Mr. P. H. Gaikwad, APP for the State.
.....

**CORAM : G.S. KULKARNI, J.
DATE : FEBRUARY 7, 2018.**

P.C. :

1. Heard learned counsel for the petitioners.
2. The challenge as raised in this petition is to the order dated 3rd July 2017, passed by the Additional Sessions Judge, Pune, whereby the petitioner's appeal against the order dated 16th June 2016 passed by the learned JMFC has been partly allowed.
3. By an order dated 16th June 2016, passed by the learned JMFC on an application as filed by the respondent-wife under the provisions of section 12, 18, 19, 20, 22 and 23 of Protection of Women from Domestic Violence Act, 2005, the learned JMFC had awarded maintenance of an amount of Rs.15,000/- per month to the minor son Arnav.

4. The petitioner being aggrieved by the said order had approached the court of learned Additional Sessions Judge, Pune in the appeal in question, whereby partly allowing the appeal the amount of Rs.15,000/- per month as maintenance granted in favour of the minor son Arnav stands modified and reduced to an amount of Rs.12,000/- per month. The only grievance made on behalf of the petitioner is that petitioner is re-married and from the second marriage the petitioner has an issue and therefore though petitioner is earning salary of Rs.80,000/- per month it is not possible to make payment of maintenance of Rs.12,000/- per month as granted by the learned Additional Sessions Judge, Pune.

5. The learned trial judge examining the factual matrix of the matter has held that it is not in dispute that the petitioner is earning the salary of Rs.80,000/-. The petitioner was aware that he would be required to bear the liabilities of the son Arnav from the first marriage. Considering the totality of facts and the circumstances of the case, the amount which has been granted by learned trial judge was not unreasonable, considering the salary of the petitioner. Further the petitioner has not brought on record before the trial judge any document to show the exact income, however admitting that his salary was Rs.80,000/- per month as stated by the petitioner in the written

statement.

6. It is in these circumstances, the learned Additional Sessions Judge considering the fact of the second marriage and the issue being born out of the said wedlock has considered it appropriate to reduce the amount of maintenance by Rs.3000/-. The learned Additional Sessions Judge has rightly observed that the obligation of the petitioner to look after the child Arnav and pay reasonable amount of maintenance as awarded cannot be overlooked.

7. Having perused both the orders, I find no perversity in the impugned order as passed by the learned Additional Sessions Judge.

8. The petition requires no interference. It is accordingly dismissed.

No costs.

(G.S. KULKARNI, J.)