

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO.140/2018

Shri Suresh S/o Laxman Khobragade

..Vs..

Smt. Mangala W/o Suresh Khobragade and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Y.V. Nayyar, Advocate for the applicant.

CORAM : Z.A. HAQ, J.

DATE : 3.12.2018.

Heard.

By this application under Section 482 of the Code of Criminal Procedure, the applicant (husband) has challenged the order passed by the Family Court by which the application filed by him praying that the earlier order directing him to pay maintenance to the non-applicant / wife be cancelled. The facts on record show that on an application filed by the wife under Section 125 of the Code of Criminal Procedure, an order was passed on 16th February, 2007 directing the husband to pay maintenance at the rate of Rs.1,000/- per month. On 6th January, 2016 the husband filed application under Section 127 of the Code of Criminal Procedure contending that now he is suffering from various ailments and is not in a position to work and, therefore, the order passed on 16th February, 2007 be cancelled.

The learned trial Judge has examined the material on record and has concluded that the claim

made by the applicant that he is not in a position to work cannot be accepted. It cannot be said that the learned trial Judge has taken a view which is not possible at all. I see no reason to exercise jurisdiction under Section 482 of the Code of Criminal Procedure. The application is **dismissed**.

JUDGE

Tambaskar.