

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL REVISION NO.115 OF 2018

(Raj Aktar s/o Abdul Rahaman Khan .vs.. Sameena Parveen w/o Raj Akhtar Khan 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 A.S. Tiwari, Counsel for the applicant,
Shri Sanket Bhalerao, Counsel for the non-applicants

CORAM : ROHIT B. DEO, J.

DATED : 24-07-2018

The applicant-husband is challenging the judgment and order dated 23-4-2018 rendered by Family Court 1, Nagpur in Petition E-147/2016, by and under which monthly maintenance of Rs.2,500/- each is granted to non-applicant 1-wife and non-applicant 2-child.

2. No submissions were advanced assailing the quantum of maintenance. The thrust of the submissions of the learned Counsel for the applicant is that there was no reasonable cause for the non-applicant-wife not to stay with the applicant-husband. Notwithstanding that the quantum of compensation is not assailed specifically, this Court has given due consideration to the material on record to satisfy the conscious of the Court that the amount of maintenance is not disproportionate to the income or extortionate.

3. Having done so, this Court finds that there is no infirmity whatsoever in the order directing payment of Rs.2500/- per month each to the wife and the child.

4. In so far as the submission that the non-applicant-wife left the company of the applicant without any just and sufficient cause, the submission is noted only for rejection. Perusal of the cross-examination shall reveal that the suggestion given to the wife is that she has an extra marital affair. The applicant-husband in his evidence also states that non-applicant 1-wife is in extra marital relationship. Several other serious and grave allegations are levelled, which have not been substantiated. Illustratively, the applicant alleged that the non-applicant-wife is suffering from a mental disorder. The responsible and wanton allegations levelled by the husband would *per se* constitutes cruelty.

5. The submission that the wife left the company of the applicant-husband without sufficient reason is duly considered by the learned Judge of the Family Court in paragraph 11 of the judgment and order impugned. This Court sees no reason to take a different view.

6. The judgment and order impugned is unexceptionable, on facts and in law. The revision is rejected.

JUDGE