

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

CRIMINAL REVISION APPLICATION No.134/2018

Harishkumar @ Harsh s/o Gurumukhdas Sachdev
 Vs.
 Kavitatevi wd/o Gurumukhdas Sachdev

*Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.*

Court's or Judge's Orders

CORAM : M.G.GIRATKAR, J.
DATE : 21.11.2018

Heard Shri S.G.Karmarkar, learned counsel for the applicant. He has submitted that the reply filed by the present applicant before the Family Court has not taken into consideration and passed impugned order dated 17.05.2018 directing the applicant to pay interim maintenance of Rs.20,000/- (Rs. Twenty thousand) per month. Learned counsel for the applicant further submitted that there is sufficient amount left by the husband of the non applicant (mother) and she is able to maintain herself from that amount. Therefore, there was no need to grant any interim maintenance. At last, he prayed to remand the matter to the Family Court.

Shri Tidke, learned counsel appearing for the non applicant submitted that nothing is produced on record to show that the mother (non applicant) is getting sufficient amount from the amount/deposit left by her husband. The applicant has not complied with the order of Family Court as well as the order passed by this Court. At last, he prayed to dismiss the revision.

Vide order dated 03.09.2018, the applicant (son) was directed to deposit an amount of Rs.60,000/- in this Court within a

period of two weeks. Thereafter, the applicant has moved application for extension of time to deposit the amount. On 30th October, 2018, this Court observed that time to deposit the amount has already been lapsed and therefore, the application came to be rejected. There is no dispute that the non applicant(mother) is not maintained by her son(applicant). There is no dispute about the relationship and about the property left by the father of the applicant/husband of the non applicant.

While considering interim maintenance application, the Court need not go into details. Looking to the relationship, the Family Court has granted maintenance of Rs.20,000/- per month. Whatever defense raised in the reply is to be considered by the Family Court after recording the evidence. At this stage, it cannot be said that the Family Court has not considered the defense raised in the reply. The applicant (son) is at liberty to prove his defense before the Family Court till then he has to comply the interim order passed by the Family Court.

The non applicant is the real mother of the applicant. She is aged about 60 years. The applicant is morally as well as legally bound to maintain his mother. I do not find any merit in this revision application. Hence, the following order.

ORDER

- (i) Criminal Revision Application is dismissed.
- (ii) Family Court is directed to decide the main petition within six months from today.

JUDGE