

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 173 OF 2018

MANJIRI MAHENDRA KUDALKAR., ... Petitioner

Versus

MAHENDRA CHANDRU KUDALKAR., ... Respondent

Mr. Anthony Joe D'silva, Advocate for the Petitioner.
Mr. Shailesh Redkar, Advocate for the Respondent. For
Respondent.

Coram:- C. V. BHADANG, J.

Date:- 25th March 2019

P.C.

On hearing the learned Counsel for the parties, I do not find that any case for interference is made out.

2. The petitioner feeling aggrieved by refusal by the learned Appellate Court to enhance the interim maintenance, is before this Court. The petitioner has been granted interim maintenance of Rs.6,000/- per month by the learned Magistrate in a proceeding under the Protection of Women from Domestic Violence Act, 2005 filed by the petitioner against the respondent.

3. The petitioner feeling aggrieved by the quantum, filed Criminal Appeal No.41/2017 seeking enhancement on the

ground that the respondent is also earning certain income by way of rent. It is an admitted position that this was not the case made out before the learned Magistrate as according to the petitioner, these facts came to the knowledge of the petitioner subsequent to the passing of the impugned order.

4. The learned Counsel for the petitioner submits that an application for production of documents showing the earnings of the respondent is filed and is pending before the learned Magistrate, which was filed after the passing of the impugned order.

5. If that is so, it is for the learned Magistrate to consider this during the trial of the main application. Subject to this, the Criminal Writ Petition is dismissed.

6. Rival contentions of the parties are left open.

C. V. BHADANG, J.

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