

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRI REVISION APPLICATION NO. 462 OF 2019**

Nilesh Baban Gujar & ors. ...Applicants

Versus

Ratnavali Nilesh Gujar & anr. ...Respondents

Mr. Arjun S. Pawar, for the Applicants.

Mrs. M. H. Mhatre, APP for the State/Respondent no.3.

CORAM: N. J. JAMADAR, J.

DATED : 13th DECEMBER, 2019

PC:-

1. Heard Mr. Pawar, the learned Counsel for the applicants.
2. The challenge in this revision application is to the judgment and order dated 18th July, 2019 in Criminal Appeal No.10 of 2019, passed by the learned Additional Sessions Judge, Islampur, whereby the appeal preferred by respondent nos.1 and 2 herein came to be allowed and the amount of interim maintenance directed to be paid by the learned Magistrate, by judgment and order dated 22nd January, 2019, at the rate of Rs.2,000/- per month, from the date of the said order, came to be enhanced and the applicant herein was directed to pay maintenance at the rate of Rs.3,000/- per month to respondent no.2 Kumar Shaurya and at the rate of Rs.4,500/- per month to

respondent no.1 Ratnavali, the son and wife of the applicant, from the date of the application.

3. The learned Sessions Judge was persuaded to interfere with the quantum of maintenance as well as the date from which the amount of maintenance is to be paid by the applicant, as the learned Sessions Judge noticed that the applicant is serving in the Education Department of Municipal Corporation of Greater Mumbai and was drawing salary of Rs.29,108/- per month.

4. The learned Counsel for the applicant urged that the impugned order suffers from an infirmity as the amount of maintenance has been substantially enhanced, and despite there being no prayer for grant of maintenance from the date of the application, the learned Sessions Judge has ordered the applicant to pay the maintenance from the date of the application.

5. I am not persuaded to agree with the submissions on behalf of the applicant. As regards the quantum of maintenance, it would be suffice to note that the applicant, being gainfully employed, draws a salary in the range of Rs.30,000/- per month. Having regard to the inflationary nature of the economy and the bare minimum requirements of respondent nos.1 and 2,

the award of maintenance at the rate of Rs.3,000/- and Rs.4,500/- per month, appears to be conservative. Thus, no case is made out for interference with the quantum of maintenance.

6. As regards the directions for payment of maintenance from the date of the application, it is trite that, in the absence of any special and compelling circumstance, dependents are ordinarily entitled to receive the maintenance from the date of the application. The learned Magistrate has not adverted to any such circumstances nor ascribed any special reason to direct the payment of maintenance from the date of the order. Thus, on this count also no fault can be found with the impugned order.

7. Resultantly, the revision application does not deserve to be entertained.

8. Hence, the revision application stands dismissed.

[N. J. JAMADAR, J.]