

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 96 OF 2016

Mr. Sandip Ravsaheb Sonkamble Petitioner
(Ori. Respondent)

Vs.

1. Mrs. Jyoti Sandip Sonkamble
2. Kum. Snehal Sandip Sonkamble Respondents 1 & 2
(Ori. Plaintiffs)
3. The State of Maharashtra Respondent No. 3

Ms. Alefiya Mandiwala a/w Ashish Gabhale i/by M/s Jay & Co. for
Petitioner.

Mr. S.S. Hulke for the State.

Coram : NITIN W. SAMBRE, J.

Date : 18th December 2019

P.C.:

1. Heard.

2. The respondent no.1-wife and daughter were granted
maintenance allowance of Rs.2,000/- and Rs.1,000/- per month
respectively vide impugned order dated 15th July 2015 passed by the
Judge, Family Court, Nashik. As such, this petition.

3. The submission is, the petitioner-husband is doing labour work and earning Rs.90/- per day. Considering his source of income, by doing labour work, an amount of maintenance awarded is completely disproportionate. Further submission of the petitioner is that he is ready and willing to cohabit and maintain his wife and daughter provided they start cohabiting with the petitioner. According to him, in the aforesaid background, once there is no denial on the part of the petitioner to maintain his wife and daughter, the maintenance ought not to have been ordered.

4. If the submissions are appreciated, it is noticed that the petitioner has not initiated any proceedings under Section 9 of the Hindu Marriage Act for restitution of conjugal rights.

5. Apart from above, the petitioner has given an admission that he owns 25 guntha agricultural land, which is perennial source of irrigation.

6. The stand of the petitioner that he is earning Rs.90/- per day by doing labour work is not trustworthy.

7. In the aforesaid background, the order of award of maintenance of Rs.2,000/- and Rs.1,000/- to the wife and daughter respectively is just and proper. No interference is warranted. Petition fails. Dismissed.

(NITIN W. SAMBRE, J.)