

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**Criminal Revision Application NO. 459 OF 2018**

Prashant Vinayak Pevekar

...Applicant

*Versus*

Pranita Prashant Pevekar

And another

...Respondents

....

Mr. Harshad E. Palwe, Advocate for the Applicant.

Mr. Chintan Shah i/b. Anusha P. Amin, Advocate for Respondent No.1.

....

CORAM : R. G. KETKAR, J.

DATE : 03<sup>rd</sup> JANUARY, 2019

P.C.

1. Heard Mr. Harshad Palwe, learned counsel for the applicant and Mr.Chintan Shah, learned counsel for respondent No.1, at length.

2. This Revision Application takes exception to the order dated 15.5.2018 passed by the learned Judge, Family Court, Thane in Petition No.E.30/2015. By that order, the learned trial Judge partly allowed the petition filed by the respondent-wife for interim maintenance and directed the petitioner herein to pay Rs.15,000/- per month to her and Rs.10,000/- per month to minor son Mohit towards the maintenance from the date of the order till further orders. The learned trial Judge has also directed the petitioner to bear his costs and pay Rs.1,000/-

separately to the respondent-wife within one month, among other directions.

3. In support of this Petition, Mr. Palwe invited my attention to paragraph-11 of the reply/written statement/say of the petitioner at Exhibit-13. In paragraph-11, the petitioner contended that his mother is sick and suffering from diseases Spondylitis, Spinal Cord, Arthritis etc. Due to her old age, she is bed-ridden. He is regularly giving Rs.5,000/- per month to his mother. He also invited my attention to the evidence on affidavit of the petitioner and in particular paragraph-11 thereof. In paragraph-11 of the affidavit, the petitioner deposed that he is paying monthly rent of Rs.9,000/- and that he is giving Rs.5,000/- per month to this mother. He submitted that while passing the impugned order, the learned trial Judge has not considered this aspect. He submits that he will move the trial Court to consider these aspects as by the impugned order, the learned trial Judge has directed the petitioner to pay Rs.25,000/- per month until further orders.

4. On the other hand, Mr. Shah supported the impugned order. He submitted that after considering the admissions of the petitioner, the learned trial Judge has passed the impugned order and, therefore, no case is made out for interfering with the impugned order.

5. I have considered the rival submissions advanced by the learned counsel appearing for the parties. I have also perused the material on record. Mr. Palwe submitted that the learned trial Judge has not considered the assertions made in paragraph-11 of the written statement and in paragraph-11 of the petitioner's affidavit of evidence. As against this, Mr. Shah submitted that in the impugned order the learned trial Judge has recorded that the petitioner herein has no other dependent.

6. In view thereof, on the motion made by Mr. Palwe, Criminal Revision Application is allowed to be withdrawn and is disposed of with liberty to file appropriate proceedings before the trial Court on the basis of contentions recorded hereinabove. If such an application is taken out, the learned trial Judge will decide the same on the basis of material on record. All contentions of the parties are kept open. Order accordingly.

(R. G. KETKAR, J.)

Deshmane (PS)