

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

CRIMINAL REVISION APPLICATION NO.101/2019  
(Ashok s/o Krishnarao Sahare vs. Vaishali w/o Ashok Sahare and others )

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Office Notes, Office Memoranda of  
Coram, appearances, Court's orders  
of directions and Registrar's orders  
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Court's or Judge's order

.....  
Mr.S.G. Karmarkar, Adv. for applicant  
Mr.N B Bargat, Adv. for respondents

**CORAM : MRS.SWAPNA JOSHI, J.**

**DATED : 1<sup>st</sup> October, 2019**

The applicant has challenged the judgment and order dated 4<sup>th</sup> February, 2019 delivered by learned Principal Judge, Family Court, Nagpur, enhancing the amount of maintenance of Rs. 3000/- each to the respondent no.1-wife and respondent nos.2 and 3-children, respectively.

2. Mr.Karmarkar, learned Advocate for the applicant vociferously argued that the impugned judgment and order is illegal and perverse, so much so that it is not considered by the Court below that the respondent no.1 earns an amount of Rs. 5000/- per month and the said amount is to be deducted from the amount of maintenance granted to her as well as their children.

3. As against this, Mr. N.B.Bargat, learned Advocate for respondents contended that the Court below has rightly considered the evidence led by the parties and

the applicant has failed to prove that the respondent no.1 was earning an amount of Rs. 5000/- per month. He further submitted that even assuming that the respondent no.1 earns the said amount, there is nothing wrong on her part to do so and that does not absolve the applicant-herein from his moral duty to maintain his wife and children.

4. After hearing both sides and on a perusal of the impugned judgment, it is noticed that the respondent no.2 is the daughter, aged about 16 years, so also the respondent no.3 is a growing child and considering the amount and expenses required for their conveyance, tuition fees, stationery, books, clothes, uniforms and day-to-day expenses and also considering the exponential rise in prices of essential commodities, the learned Judge, Family Court has passed the necessary orders. It is also noticed that the applicant is earning an amount of Rs. 5000/- per day from running a business under the name and style "Payal Dahi Bhandar", Tekanaka Nagpur and considering that the said fact has been established as the Shop and Establishment Licence which was filed on record and also the fact that the applicant owns landed property, it appears the learned Judge has rightly come to the conclusion that the amount of Rs. 3000/- be increased for each of the respondents.

5. It is also an undisputed fact that the applicant has performed a second marriage and out of that he has two children. The conduct of the applicant shows that he is

not at all interested in complying with his moral obligation of maintaining his legally wedded wife and children. The learned Advocate for the applicant failed to point out that the applicant has proved that the respondent no.1 earns an amount of Rs. 5000/- per day. The learned Judge has rightly observed that getting a meagre amount by respondent no.1 from selling of *sarees* does not absolve the applicant from his moral duty to maintain the respondents.

6. No illegality or perversity as such is noticed in the impugned judgment. In view thereof, no interference is called for and the Revision is liable to be rejected.

7. For the reasons aforesaid, the Revision is rejected.

**JUDGE**

Sahare