

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

CRIMINAL REVISION APPLICATION NO.115 OF 2019

[Sau. Sarla w/o Dharmendra Raipure .vs. Shri Dharmendra s/o Dhanraj Raipure]

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

Court's or Judge's orders

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 Shri J.H. Jumde, Advocate for petitioner,
 Shri S.G. Karmarkar, Advocate for respondent.

CORAM : MRS. SWAPNA JOSHI, J.

DATED : AUGUST 28, 2019.

By this criminal revision application the applicant has challenged the order passed by the Family Court No.4, Nagpur, dated 07.02.2019, whereby the maintenance application in respect of the petitioner was decided and the petitioner was directed to pay the maintenance to the tune of Rs.3,000/- per month.

The learned advocate for the petitioner submits that the said maintenance amount of Rs.3,000/- per month has been decided by the Judge of the Family Court on the basis of source of income through the two trucks which were owned by the respondent. It is submitted that the petitioner had filed an application along with the copies of RTO particulars in respect of two more trucks which are owned by the respondent, however, the said application was not considered by the learned Judge of the Family Court. It is submitted that if that application would have been considered the amount of maintenance for the petitioner would have been more.

The learned advocate for the respondent contended that the RTO particulars relied upon by the petitioner were not duly proved and the said application for producing those RTO particulars was

filed after the evidence of the parties was over.

It is thus clear from the aforesaid submissions made by the learned advocate for the respondent that the learned Judge of the Family Court has decided the maintenance application based on only two trucks and since the RTO particulars were not proved by the petitioner, the said aspect was not considered.

I do not find any illegality or perversity in the judgment passed by the Judge of the Family Court. The petitioner however is at liberty to file an application under Section 127 of the Code of Criminal Procedure for enhancement of the maintenance amount. Hence the order :

ORDER

Criminal Revision Application stands disposed of with a direction that if at all the petitioner files an application under Section 127 of the Code of Criminal Procedure, the same be decided within a period of six months from the date of filing of that application.

JUDGE