

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

Criminal Revision No. 223 of 2018
Manoj Chakole Vs. Sonali Chakole

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

Court's or Judge's orders

Mrs. K.P. Dharashivkar, Advocate for applicant
Mr. M.S. Gupta, Advocate for non-applicant.

CORAM : MANISH PITALE, J.

DATED : JULY 11, 2019

By this revision application, the applicant has challenged order dated 02/08/2018, passed by the Family Court at Nagpur below Exh.7, pertaining to application for grant of interim maintenance filed by the respondent herein.

2. The material on record shows that the applicant and the non-applicant herein got married on 03/03/2016 and that they have been residing separately since July, 2017. The non-applicant herein has filed the aforesaid application praying for grant of interim maintenance @Rs.15,000/- per month contending that the applicant was running business in the name and style M/s Vyankatesh Bricks and he is having 8 -10 trucks in his name. It is claimed that the applicant is having handsome earning of Rs.1,00,000/- to Rs.1,50,000/- per month.

3. The applicant denied the said statements and claimed that he was working as mere Sales Executive with company M/s Murli Stone Crusher and that he was only paid salary of Rs.5800/- per month.

4. The Family Court took into consideration the material on record and found that the letter which the applicant had produced to show that he was indeed working as Sales Executive on a meager salary of Rs.5800/- was only on the letter head of the said company and there was no stamp or seal of the signatory. On this basis, the genuineness of the said document was doubted. Thereafter, the Family Court took into consideration the bio-data of the applicant at Exh.21, which showed him as having an occupation of transport and in the business of hardware. The Family Court also took into consideration the statement in reply at Exh.17 filed by the applicant wherein it was mentioned that the bricks business M/s Vyankatesh Bricks was in the name of brother of the applicant. On this basis, the Family Court came to a specific conclusion that the assertion of the applicant, that he was earning only Rs.5800/- as a Sales Executive, was not believable.

5. This Court does not find any error committed by the Family Court in appreciating the material on record while rejecting the assertions made

by the applicant herein. Since the applicant had been stalling bringing on record material showing his actual income, some amount of guess work was necessary and, therefore, it cannot be said that the Family Court had committed error in coming to the conclusion based on the material on record that an order of interim maintenance to the non-applicant at Rs.7000/- per month could be granted.

6. This Court has perused the material on record and the order passed by the Family Court and it is found that there is no error committed therein. Consequently, this revision application is dismissed.

7. The applicant has placed on record an affidavit stating that amount towards arrears of maintenance for Rs.56,000/- have deposited, but, it is pointed out by the learned counsel for the non-applicant that further amount of Rs.91,000/- is still due. Without going into the exact claim of arrears of maintenance due from the applicant, he is directed to pay entire arrears towards interim maintenance, as granted by the Family Court, within a period of six weeks from today.

JUDGE