

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2903 OF 2014**

Mr. Narayan Dattatraya Desai	 Petitioner.
V/s	
Pushpa Narayan Desai and Others	 Respondents

**ALONGWITH
CRIMINAL WRIT PETITION NO.4961 OF 2014**

Mrs. Pushpa Narayan Desai and Others	Petitioners.
V/s	
Shri Narayan Dattatray Desai and Others	 Respondents.

Mr. Balwant Salunkhe for the Petitioner in Writ Petition No.2903 of 2014 and for Respondents in Writ Petition No.4961 of 2014.
Mr. Santosh M. Suryawanshi for the Petitioners in Writ Petition No.4961 of 2014 and for Respondent Nos. 1 to 3 in Writ Petition No.2903 of 2014.
Mr. R.M. Pethe, APP for the State.

CORAM: NITIN W. SAMBRE, J.

DATE: JANUARY 08, 2020

P.C.:-

1] Judicial Magistrate on 6/7/2011 awarded maintenance of Rs 1500/- to children. Since one of the child has attained majority, I am informed that the said amount is not being paid. In an appeal preferred before the learned District Judge, maintenance of Rs

4,000/- came to be awarded in favour of Respondent-wife, which is subject matter of challenge in the present proceedings.

2] The submissions are, Respondent-wife is gainfully employed and award of maintenance of Rs 4,000/- is without any basis.

3] Perused the observations in support of grant of maintenance in favour of wife.

4] It is brought on record through evidence that the husband is gainfully employed and there is no material on record to infer that wife was gainfully employed anywhere. The learned Sessions Judge having appreciated the evidence available on record and having noticed that there is negligence on the part of husband to maintain his wife, proceeded to award maintenance of Rs 4,000/- in favour of wife.

5] As far as issue of award of maintenance to the child is concerned, amount of maintenance is meagre i.e. Rs 1500/- that too, at present, only one child is benefited out it. No interference is

warranted as regards award of maintenance of Rs 4,000/- per month to Respondent-wife, as the said observations by the learned District Judge are based on appreciation of evidence including that of consideration of notional income of the Petitioner-husband. That being so, no case for interference is made out. Petition fails and the same stands dismissed.

6] Needless to clarify that entire arrears of maintenance be cleared by the Petitioner-husband within a period of six months from today.

7] In view of above order, Criminal Writ Petition No.4961 of 2014 no more survives and the same is disposed of.

(NITIN W. SAMBRE, J.)