

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4706 OF 2017**

Sou Rajabai Shivaji Lendave Petitioner.
V/s
Shri Shivaji Shankar Lendave Respondent.

Ms. Pranali Railkar i/b Mr. Ajay A. Joshi for the Petitioner.
Mr. S.R. Maray i/b V.S. Talkute for Respondent No.1.

CORAM: NITIN W. SAMBRE, J.

DATE: FEBRUARY 12, 2020

P.C.:-

- 1] This Petition is against concurrent findings.

- 2] The wife, after having stayed separately for more than 20 years, has sought maintenance which was rejected by the Court below which order has been confirmed in Revision by learned District Judge. As such, this Petition.

- 3] Learned Counsel for the Petitioner submits that in view of the advance age of Petitioner-wife, she is unable to maintain herself and as such, Respondent-husband in law is duty bound to maintain her and that being so, she is entitled for maintenance.

4] Respondent-husband has crossed 80 years of age, so also Petitioner-wife is about 70 years old. It appears that Respondent-wife could survive for more than 25 years after she has parted company of Respondent-husband way back. Apart from above, there is no evidence on record to infer independent source of income of the Respondent-husband, who has crossed his age of 80 years. No legal infirmity could be noticed in the order impugned. Petition as such fails and stands dismissed.

(NITIN W. SAMBRE, J.)