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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 932 OF 2016**

Bhimrao Shivdas Gavane

.....Petitioner

V/s.

Sunita Bhimrao Gavane and another

.....Respondents

Mr. Sunil Lahane a/w Mr. Vighnesh Kalgutkar i/b The Juris
Partners for the Petitioner

Mr. Ravindra S. Pachundkar for respondent no. 1

Mr. S. S. Hulke APP for the State

CORAM : NITIN W. SAMBRE, J.**DATE : JANUARY 6, 2020.****P.C.**

Heard respective counsel for the parties.

2] Order impugned is by the Family Court whereby maintenance of Rs. 10,000/- is awarded in favour of respondent-wife.

3] The parties got married in 1984 and are blessed with two sons

who are major. Petitioner's qualification is in Diploma in Mechanical Engineering and it is claimed that he was earlier working with renowned construction company. However, at present he is claimed to be out of job. It is also claimed that for survival, presently he is doing agricultural activity. The submissions are, apart from amount of Rs. 10,000/- maintenance ordered which is impugned in the present petition, in the Domestic Violence Act, a separate amount of Rs. 10,000/- is also directed to be paid. Considering the holding to the extent of 7.5 acres of agricultural land, it is claimed that the amount of maintenance order is completely disproportionate and on much higher side.

4] The aforesaid position of fact is disputed by the learned counsel for the respondent-wife.

5] The fact remains that this Court has directed the petitioner to clear his arrears. As against arrears of Rs. 16 Lakhs, petitioner till date claimed to have paid amount of Rs. 4.74 Lakhs. Petitioner lacks bonafide in clearing maintenance in spite of orders of this Court.

6] Apart from above, the fact remains that the petitioner has chosen to continue his occupation as an agriculturist as against his earlier job of mechanical engineer with a renowned construction company. This in voluminous terms speaks of income which the petitioner is drawing from the agricultural property having perennial source of irrigation.

7] As such, considering the source of income of the petitioner, the fertility and irrigation facility, order of award of maintenance of Rs. 10,000/- is justified.

8] In the aforesaid background, no case for interference is made out. Petition fails, stands dismissed.

[NITIN W. SAMBRE, J.]