

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.1959 OF 2017**

Smt. Bina Priteshkumar Shah & Anr., Petitioners

Vs.

Priteshkumar Ashwinkumar Shah Respondents
& State of Maharashtra

Mrs. Vaishali S. Nimbalkar for Petitioners.

Mr. Yogesh D. Dalvi for Respondent no.1.

Mr. S.S. Hulke, APP for the State.

Coram : NITIN W. SAMBRE, J.

Date : 3rd January, 2020

P.C.:

1. The Revisional Court vide impugned order dated 2nd February 2017 has reduced the maintenance awarded to the wife from Rs.5,000/- to Rs.3500/-. As such, this petition.

2. The evidence of respondent no.1-husband if appreciated, he has in categorical terms stated that he is residing in an apartment owned by his mother. He has also stated that his father was in the business of retail sale of kerosene and grocery. The other brother of the respondent no.1-husband is working in a Textile Company.

3. As far as the source of income of respondent no.1-husband is concerned, it is brought on record that he has vast experience in the marketing and he has worked in various companies. He holds the qualification of B.B.A. and P.G.D.B.M., MBA. Apart from his income from his employment which is considered to be around Rs.16,000/-, he was getting income from an agricultural property.

4. In the aforesaid background, the order impugned passed by the revisional Court is modified as under :

The Petitioner-wife is entitled for the maintenance of Rs.4,500/- per month in addition to the amount of maintenance of Rs.3,000/- per month payable to the minor-son, who is in custody of the Petitioner.

5. The petition as such stands partly allowed in above terms.

(NITIN W. SAMBRE, J.)