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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.244 OF 2013**

Mr. Parag Haribhau Mhanvar

.... Applicant.

V/s

State of Maharashtra and Ors.

.... Respondents.

Shri Ravindra V. Sankpal for the Applicant.

None for Respondent No.2.

Smt. P.P. Shinde, APP for the State.

CORAM: NITIN W. SAMBRE, J.

DATE: JANUARY 29, 2020

P.C.:-

- 1] Heard Shri Sankpal, learned Counsel for the Applicant.
- 2] The order impugned is dated 5/2/2010 whereby maintenance of Rs 5,000/- per month is awarded to Respondent-wife Alka.
- 3] Submissions of Shri Sankpal are, proceedings initiated for divorce in view of the cruelty committed by Respondent are *sub judice* before this Court. According to him, at the relevant time, basic salary of the Applicant-husband was Rs 4,700/-; he being a public servant employed with the Police Department. As such, according to him, award of maintenance of Rs 5,000/- per month is completely

disproportionate to the known source of income of the Applicant. He would further urge that there was no negligence on the part of the Applicant to maintain Respondent-wife.

4] If aforesaid submissions are appreciated having regard to the observations of Family court in para 53 of the impugned order, it can be noticed that though basic salary of the Applicant was Rs 4,700/-, his gross salary was shown to be of Rs 13,386/- per month, as is reflected in Exhibit-24, salary slip of the Petitioner for the month of December 2007 i.e. almost 13 years before the date of passing of the present order. Out of the said salary which was received, Family Court considered deduction of GPF of Rs 3000/-, L.I.C. premium, repayment of loan to the Society and contribution towards G.I.S. Family Court, in my opinion, was justified in awarding maintenance of Rs 5,000/- that too way back in 2010. The contention of the Applicant that award of maintenance is disproportionate to his known source of income cannot be accepted. As, such Civil Revision Application fails and same stands dismissed.

(NITIN W. SAMBRE, J.)