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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3016 OF 2019**

Ajinkya Dnyaneshwar Kemble Petitioner.

V/s

Smt Akshata Ajinkya Kemble Respondent.

Mr. Sachin K. Hande for the Petitioner.

Mr. Rajendra Kamble for the Respondent.

Mr. R.M. Pethe, APP for the State.

CORAM: NITIN W. SAMBRE, J.

DATE: JANUARY 08, 2020

P.C.:-

1] Family Court awarded maintenance of total amount of Rs 15,000/- by the impugned order i.e. Rs 10,000/- to Respondent-wife and Rs 5,000/- to child. The order is questioned by the husband on the ground that under Domestic Violence Act proceedings, vide order dated 28/1/2019 already maintenance of Rs 5000/- was awarded to each of the claimants. It is also claimed that before marriage, Respondent-wife was in employment. Considering her said status and educational qualification, she can seek re-employment. As such, award of maintenance is disproportionate.

2] Family Court while awarding maintenance has considered the income of the Petitioner which is to the tune of Rs 1 lakh and as such, proceeded to award maintenance of Rs 10,000/- and 5,000/- respectively to mother and child. Even if under Domestic Violence Act proceedings, maintenance of Rs 5000/- is awarded to each of them in addition to maintenance under the impugned order, that itself will not take this Court to conclude that award of maintenance is unreasonable. The order passed under Domestic Violence Act proceedings, awarding maintenance of Rs 5000/- to each of the claimants was not questioned and accepted by the Petitioner.

3] In the aforesaid backdrop, there is legal justification for award of maintenance by the impugned order. No interference is called for. Hence, Petition is dismissed.

(NITIN W. SAMBRE, J.)