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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3619 OF 2019**

Mr. Mohammed Taufique
Habibulla Ansari

.... Petitioner.

V/s

Mrs. Mazharunnisa Mohd.
Taufique Ansari

....Respondent.

Mr. Omprakash Dubey for the Petitioner.
Mr. Anvil S. Kalekar for Respondent No.1.
Mr. S.S. Hulke, APP for the State.

CORAM: NITIN W. SAMBRE, J.

DATE: JANUARY 10, 2020

P.C.:-

1] Learned Family Court awarded maintenance of Rs 1,500/- to each of the Respondents, total Rs 3000/- whereas, learned Magistrate's Court awarded Rs 6000/-.

2] Petitioner approached Family Court, seeking modification, as award of maintenance by the Magistrate's Court was not brought to the notice by the Respondent-wife.

3] Apart from above, it is claimed that award of maintenance is on

much higher side as the Petitioner-husband is a farmer and award of maintenance is disproportionate to his known source of income.

4] The aforesaid contention is opposed by the learned Counsel for the claimants viz. wife and son.

5] Fact remains that Family court while dealing with aforesaid contention was sensitive to the fact that child of the Petitioner was studying in 10th Standard and total award of maintenance including that granted by the the Court of learned Magistrate comes to approximately Rs 9,000/- i.e. Rs 4,500/- per person. Petitioner claims that he is a farmer. However, pleadings disclose that apart from agriculture, Petitioner earns from other vocations. That being so, in extraordinary jurisdiction, no interference is warranted. Petition fails and the same stands dismissed.

6] It is open to the Respondent-wife to apply before the competent court with whom amount is deposited towards arrears of maintenance.

(NITIN W. SAMBRE, J.)