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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4079 OF 2018**

Shri Popatrao Baburao Lokhande

.... Petitioner.

V/s

Kunda Popatrao Lokhande
and Anr.

..... Respondents.

Mr. Vilas B. Tapkir for the Petitioner.

Ms. Rekha Nusale for the Respondents.

Mr. N.B. Patil, APP for the State.

CORAM: NITIN W. SAMBRE, J.

DATE: JANUARY 15, 2020

P.C.:-

1] This Petition is filed by husband who is a retired Assistant Commissioner of Police claiming to be receiving pension of Rs 17,000/-. The order impugned is passed by the learned Judge, Family Court awarding maintenance of Rs 7,000/- with effect from 8/6/2016.

2] The order is questioned on the ground that the Applicant and non-applicant/wife were blessed with three sons, out of whom married son is already expired, whose family is required to be maintained by the Applicant. Further submission is, out of meagre pension of Rs 17,000/- received by the Applicant, it is difficult for the Applicant to

pay maintenance as ordered particularly when non-applicant wife is residing with one of the sons and he is taking care of non-applicant.

3] The learned Counsel for the Respondent/wife supported the order impugned and submits that information supplied to the non-applicant under Right to Information Act speaks of sanction of pension of Rs 16,680/-.

4] The record does not speak of the pension received by the Petitioner pursuant to 7th Pay Commission, Provident Fund received by him and also net pension which he is receiving today. Reliance placed by the learned Counsel for the Petitioner on the information supplied to non-applicant wife, which is received under Right to Information Act as such, is misplaced. That being so, said contentions are liable to be rejected.

5] Petitioner has retired as Class-I Officer from the service of State Government and there is reason to believe that the Petitioner, after retirement, pursuant to 7th Pay Commission, is receiving pension more than Rs 30,000/-. Either petitioner has sold part of his pension or has

not shown correct pension that he is receiving as of today.

6] In the aforesaid backdrop, award of maintenance in favour of Respondent-wife to the tune of Rs 7,000/- is just and proper. No interference is warranted. Petition fails and the same stands dismissed.

(NITIN W. SAMBRE, J.)