

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.5720 OF 2019

Mr. Dayal Sukhdeorao Satbadre Petitioner

Vs.

1. Mrs. Sunita Dayal Satbarde
2. State of Maharashtra Respondents

Mr. Shrivallabh S. Panchpor for Petitioner
Mr. S.S. Hulke, APP for State

Coram : NITIN W. SAMBRE, J.

Date : 8th January, 2020

P.C.:

1. The order impugned dated 12th July, 2019 passed by the learned Family Court No. 4, Pune awarding maintenance of Rs.7,000/- per month to respondent no.1-wife is the subject matter of challenge.

2. Learned counsel for the Petitioner submits that the evidence of the Petitioner-husband and his witness is not re-appreciated while awarding the maintenance. He would urge that there was no default on the part of the Petitioner in paying the maintenance to his wife and in such eventuality, the order of award of maintenance is not justified.

3. He submits that even today, the Petitioner is ready and willing to maintain the respondent-wife.

4. I have gone through the evidence of the respondent-wife particularly her cross-examination. In her cross-examination, she has specifically established that the respondent went to the place of the Petitioner at Ballarsha, when the Petitioner has not permitted her to live together. Rather the Petitioner has driven her out of house.

5. As such, there is sufficient evidence to infer the neglect to maintain.

6. In order to justify the claim of the Petitioner of voluntarily withdrawal by respondent from the company of the Petitioner, the Petitioner has not initiated proceedings for restitution of conjugal rights so as to substantiate his claim that he is ready and willing to maintain the respondent-wife, no evidence is brought on record.

7. It is borne out of the available evidence that the Petitioner is an employee of Western Coalfields Limited and drawing salary of

Rs.33,000/- per month. As such, award of maintenance of Rs.7,000/- per month is justified. The petition lacks merits.

8. The petition is dismissed.

(NITIN W. SAMBRE, J.)