

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

926 CRIMINAL REVISION APPLICATION NO.14 OF 2017

**SHAIKH TAHER S/O SHAIKH PASHA
VERSUS
KALIMA BEGAM W/O SHAIKH TAHER AND ANR**

Shri. Kayyum N. Shaikh, Advocate for the applicant
Shri. Mohammed Asim Shaikh Saleem, Advocate for the respondents

**CORAM : M. G. SEWLIKAR, J.
DATED : 14th DECEMBER, 2021**

PER COURT :-

1. Heard Shri. Kayyum Shaikh, learned counsel for the applicant and Shri. Mohammed Asim Shaikh, learned counsel for the respondents.

2. Respondent No.1-wife and unmarried daughter-respondent No.2 filed application for maintenance before the learned Family Court bearing Petition-E No. 185 of 2015 under Section 125 of the Code of Criminal Procedure against the applicant. The applicant is the husband of respondent No. 1 and father of respondent No. 2-unmarried daughter. Both wife and unmarried daughter filed application for maintenance under

Section 125 of the Code of Criminal Procedure against the applicant. Applicant contested the application. Learned Family Court awarded maintenance at the rate of Rs.5,000/- for wife-respondent No. 1 and Rs.7,000/- for respondent No.2-daughter and amount of Rs.1,00,000/- to be paid to respondent Nos. 1 and 2.

3. Learned Trial Court held that applicant refused and neglected to maintain respondent Nos. 1 and 2. This finding is not seriously challenged by the learned counsel for the applicant Shri. Kayyum Shaikh.

4. Learned counsel for the applicant has challenged this revision on the ground of the quantum of maintenance.

5. Learned counsel Shri. Kayyum Shaikh submitted that the income of the applicant is meager. He is unable to maintain himself in the salary he is getting. According to him his salary is only Rs.11,568/- per month whereas amount of maintenance granted is Rs.12,000/-. He submitted that the amount of

maintenance is granted against the provisions of Section 125 of the Code of Criminal Procedure. He, therefore, prayed for cancellation of the order.

6. Learned counsel Shri. Asim Shaikh supported the order of the learned Trial Court.

7. On perusal of the papers annexed with the petition and the judgment of the learned Family Court, it is clear that applicant is working as an operator in MSEB. Salary certificate of the applicant was produced in the Trial Court. From the salary certificate it appears that applicant had taken loan because of which his salary is being shown less. Learned Family Court has negatived these deductions and rightly so. The learned Trial Court has held that his expenses are Rs.25,000/- per month but he contends that his salary is Rs. 11,568/-. Learned Family Court was right in observing that in Rs.11,568/- it is next to impossible to spend Rs.25,000/-. This clearly goes to show that applicant had sufficient income. Therefore, the amount of maintenance awarded by the Trial

Court is adequate. The maintenance awarded by the Trial Court is appropriate considering the income of the applicant. In this view of the matter, revision is devoid of any substance, hence revision stands dismissed. Order of the learned Family Court is confirmed.

[M. G. SEWLIKAR, J.]

ssp