

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

**915 CRIMINAL REVISION APPLICATION
NO.121 OF 2020**

**SHAIKH MAJED S/O. SHAIKH HANIF
VERSUS
HEENA W/O. SHAIKH MAJED AND ANR**

Shri. Afzal Husain M. Vakil, Advocate for the applicant
Shri. K. B. Jadhav, Advocate for the respondents.

**CORAM : M. G. SEWLIKAR, J.
DATED : 8th DECEMBER, 2021**

PER COURT :-

1. By this revision applicant is challenging the order passed by the Family Court, Jalna dated 5th October, 2020 in Petition No. E-232 of 2019 by which maintenance at the rate of Rs.4,000/- per month to the wife and maintenance at the rate of Rs.3,000/- per month to the daughter is awarded and applicant is directed to pay Rs.5,000/- towards costs of litigation.

2. Learned counsel Shri. Vakil for the applicant submits that he is disputing the quantum of maintenance. He is not challenging the order on the ground of neglect or

refusal to maintain the wife.

3. Shri. Vakil, learned counsel submits that learned Trial Court has fixed the amount of income of the applicant at Rs.12,000/- per month. He submits that in that eventuality it was not permissible for the Family Court to award maintenance at the rate of Rs.4,000/- per month for wife and Rs.3,000/- per month for daughter (aggregate Rs.7,000/- per month). He submits that then income is Rs.12,000/- quantum of maintenance ought to have been not more than Rs.6,000/- for the wife and daughter taken together. He submits that applicant has to pay rent of Rs.3,000/- per month. He further submits that respondent-wife is residing with her parents. Therefore, she is not required to pay rent and on that count amount of maintenance be brought down to Rs.6,000/- per month. He further submits that during the period of lockdown, applicant was jobless and for that period amount of maintenance should be reduced to half.

4. Learned counsel for the respondent Shri. Jadhav submits that learned Trial Court has observed that respondent-wife is living separately from her parents and he has to pay Rs.2,000/- per month as rent.

5. So far as income is concerned the learned Trial Court has fixed the monthly income of the applicant at Rs.12,000/- per month. Considering the income the learned Trial Court did not commit any error in granting maintenance at the rate of Rs.4,000/- per month for wife and Rs.3,000/- per month for daughter.

6. So far as the contention as regards reducing the amount of maintenance to half on account of lockdown imposed due to pandemic it has no substance. Not only the applicant but almost everyone was without job. Respondent-wife was also sailing in the same boat. Even if it is accepted for the sake of argument that respondent-wife was living with her parents, still applicant does not stand to gain as there is nothing on record to show that parents of

respondent-wife were having any job. Having regard to the circumstances brought on record, the learned Family Court has correctly fixed the amount of maintenance. I do not find any infirmity in the order passed by the learned Family Court. Revision is, therefore, devoid of any substance, hence it is dismissed.

[M. G. SEWLIKAR, J.]

ssp