

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

912 CRIMINAL WRIT PETITION NO.1327 OF 2018

**VIKRAM S/O. LAXMAN SANAP
VERSUS
LILABAI W/O. VIKRAM SANAP AND ANR**

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Advocate for Petitioner : Mr. Dhananjay Mane h/f Bharat Pankaj A.

Advocate for Respondent No. 1 : Mr. Batule Nilkanth D.

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CORAM : N.R. BORKAR , J.

DATE : 25th November, 2021.

P. C. :

1. This petition takes is an exception to the order dated 05.04.2018 passed by the learned Additional Sessions Judge, Ahmednagar, in Criminal Revisional Application No. 210/2016, by which the learned Revisional Court has confirmed the order passed by the learned J.M.F.C., Shevgaon, District Ahmednagar dated 18.11.2016 in Criminal Misc. Application No. 3 of 2007.

2. The respondent Nos. 1 & 2 who are the wife and the daughter of the petitioner had filed an application under Section 125 of the Cr.P.C. for the grant of maintenance. The learned Magistrate allowed the application by order dated 18.11.2016 and directed the present petitioner to pay an amount of Rs. 2,000/- each to the respondent Nos. 1 and 2. The present respondent Nos. 1 & 2 against the order of the learned Magistrate had filed the revision for enhancement of maintenance and in the said revision petition the

learned Revisional Court directed the petitioner to pay Rs. 3,000/- each to the respondent Nos. 1 & 2.

3. I have heard the learned counsel for the petitioner and the learned counsel for the respondents.

4. Learned counsel for the petitioner submits that in the application under Section 125 of the Cr.P.C. the claim for maintenance was made at the rate of Rs. 1500/-. It is submitted that in spite of that the maintenance at the rate of Rs. 2,000/- was granted by the learned Magistrate. It is submitted that thus there was no reason for the respondents to file the revision petition against the said order of learned Magistrate for enhancement of maintenance amount. It is submitted that the learned Revisional Court in the facts and circumstances ought not to have entertain the revision petition. It is submitted that the Revisional Court was thus not justified in enhancing the amount of maintenance. Accordingly it is submitted that the order impugned needs to be set aside.

5. On the other hand, the learned counsel for the respondents submits that perusal of the prayer in application under Section 125 of the Cr.P.C. will show that maintenance at the rate of 3,000/- was sought for the respondent No. 1 and at the rate of Rs. 1500/- was sought for respondent No. 2. It is submitted that learned revisional Court considering the over all circumstances and income of

the petitioner, who was Government servant, granted maintenance at the rate of Rs. 3,000/-. It is submitted that thus no interference is called for in the impugned order, in the writ jurisdiction.

6. I have perused the original application filed by the respondents under Section 125 of the Cr.P.C. The maintenance at the rate of Rs. 3,000/- was sought for the respondent No. 1. Though it appears that in respect of respondent No. 2 maintenance at the rate of Rs. 1500/- was sought, however, the Revisional Court after considering the income of the petitioner and the other factors, directed the petitioner to pay maintenance to respondent No. 2 at the rate of Rs. 3,000/-.

7. Even otherwise, the revisional Court directed the petitioner to pay the maintenance to the respondent No. 2 till she gets married. I am told that now she has already got married. Considering these facts and circumstances, I am not inclined to interfere with the order impugned.

8. The petition is dismissed.

(N.R. BORKAR)
JUDGE

mahajansb/