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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2610 OF 2019

WITH

INTERIM APPLICATION NO. 579 OF 2021

IN

CRIMINAL WRIT PETITION NO. 2610 OF 2019

WITH

INTERIM APPLICATION NO. 1615 OF 2021

IN

CRIMINAL WRIT PETITION NO. 2610 OF 2019

NOOR ALAM NAWAB KHAN

....PETITIONER

V/s.

**KHALIDA BANO NOOR ALAM
KHAN AND ORS**

.....RESPONDENTS

**Mr. Sachin R. Pawar for the petitioner
Mr. Shailesh Chavan for respondent**

CORAM : NITIN W. SAMBRE, J.

DATE: NOVEMBER 29, 2021.

P.C.:

1] After having heard respective counsel for sometime, order impugned passed by the Family Court on 16/03/2019 needs to be modified as salary of the applicant as reflected in the salary

certificate for the month of August 2021 is Rs. 52813/-.

2] In the aforesaid background, my attention is invited to the fact that respondent no. 1 being third wife of the petitioner, as respondent no. 2 daughter is born out of earlier marriage, can be said to be entitled to proportionate maintenance. I am further informed that petitioner is required to maintain his earlier two wives so also their children.

3] Considering the aforesaid liability, maintenance awarded to respondent-wife is directed to be paid @ Rs. 10,000/- per month and Rs. 5000/- to the daughter as has been ordered by the Court below as the said maintenance is in proportion to the salary received by the petitioner and his liability. Said maintenance is payable since 19/08/2014 as has been observed by the Court below.

4] Needless to clarify that in case if there is increase in the salary of the petitioner, respondent shall be entitled to move for

enhancement before the competent court.

5] With above observations, petition stands partly allowed.

6] In view of disposal of petition, connected interim applications stand disposed of.

[NITIN W. SAMBRE, J.]

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Order is corrected pursuant to speaking to minutes order dated 19/01/2022.