

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
NAGPUR BENCH, NAGPUR**

**CRIMINAL REVISION APPLICATION NO.46/2020**

**Sau.Purva @ Sangita w/o Chandrashekhar**

**..VS..**

**Chandrashekhar s/o Suresh Mhaske**

.....  
Office Notes, Office Memoranda of Coram,  
appearances, Court orders or directions  
and Registrar's orders

Court's or Judge's Order

.....  
Shri Sagar Katkar, Counsel for the Petitioner.

**CORAM : V.M.DESHPANDE J.**

**DATED : FEBRUARY 08, 2021.**

1. Heard learned counsel Shri Sagar Katkar for the petitioner.

2. The petitioner filed an application for maintenance against the respondent. The said application, before learned Judge, Family Court, Akola, is registered as E-Petition No.107/2017. The application is pending. Pending this application, the petitioner filed an application for maintenance and claimed amount Rs.15,000/- per month by way of *interim* maintenance. The application was contested by the respondent. After hearing learned counsel for the petitioner and the respondent, learned Judge below vide order dated 14.10.2019 was pleased to reject the application.

3. According to the petitioner, the respondent is serving as Field Manager with Jaika Motors and his monthly salary is Rs.50,000/- per month and he owns 8 acres of agricultural land. It is also pointed out to learned Judge below that though father of respondent is retired person, he

is getting pension and nobody is dependent on the respondent. The application was contested by filing a reply on behalf of the respondent in which it is pointed out that the petitioner is practising in law at Akola and she is getting Rs.30,000/- per month. Though it was admitted on behalf of the respondent that he serves as a Field Manager in Jaika Motors, he denied that he gets Rs.50,000/- per month by way of salary.

1. Before the Court below, it was not disputed that the petitioner is already getting *interim* maintenance amount Rs.3000/- in A.P.No.62/2017 from 25.4.2018. Also, she is getting maintenance Rs.3000/- per month granted by Judicial Magistrate First Class, Akola in Criminal Misc. Application No.723/2017 and Rs.500/- per month towards house rent. Therefore, it was not disputed before the Court below that the petitioner is getting Rs.6000/- by way of *interim* maintenance.

2. The above said shows and suggests that the petitioner is not without any amount.

3. Learned Judge below also found that salary certificate placed on record of the respondent shows that his basic salary is Rs.10,000/- and there is no D.A. and is getting consolidated salary of Rs.10,000/-. He also gets Rs.500/- as HRA and Rs.4,030/- as PRF allowance. Thus, his gross salary is Rs.24,530/- and compulsory deduction includes profession tax Rs.200/- and PF Rs.1200/-. Thus, it was found by learned Judge below that contention of the petitioner in respect of salary of the respondent is Rs.50,000/- per month is not correct and is not supported by

any documentary evidence.

4. Looking to fact that the petitioner is an Advocate and is receiving Rs.6000/- by way of *interim* maintenance from the respondent and in the light of salary which the respondent is getting from his employer, I am of view that learned Judge below has not committed any mistake in rejecting the application for grant of *interim* maintenance.

5. In this view of the matter, the criminal revision application is rejected and disposed of accordingly.

**JUDGE**

!! BRW !!