

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

CRIMINAL WRIT PETITION NO.213 OF 2020

(Shri Vijay s/o Pralhad Ingle Vs. Sau. Namrata w/o Vijay Ingle and others)

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

Court's or Judge's orders.

Mr. S.C. Joshi, Advocate for Petitioner.
None for Respondents.

CORAM: ROHIT B. DEO, J.

DATE: 12th JANUARY, 2021.

The petitioner is assailing the judgment dated 06.12.2019 rendered by the Additional Sessions Judge, Akola in Criminal Revision Application 96/2019, whereby the judgment dated 25.06.2019 rendered by the Judicial Magistrate First Class, Barshitakli in Miscellaneous Criminal Application 91/2017 is interfered with.

2. Respondent 1 preferred Miscellaneous Criminal Application 91/2017 seeking enhancement of maintenance. It is not in dispute that respondent 1 has two children from the marriage. The learned Magistrate declined to enhance the maintenance originally awarded to the wife and the elder child. However, Rs.500/- per month maintenance was awarded to the younger child. The Revisional Court allowed the revision partly and directed enhanced maintenance of Rs.2000/- each to the wife and the two children.

3. The submission is that the petitioner is a worker and the enhancement is disproportionate to his income.

Putting forth the same justification, the petitioner has not complied with the undertaking given to this Court to deposit Rs.50,000/- to show *bona fide*. As a fact, the undertaking to deposit Rs.50,000/- was given since the petitioner has not complied with the order of payment of maintenance and is in arrears.

4. This Court would have been justified in dismissing the petition on the short ground that the petitioner is in contempt.

5. However, even if the judgment impugned is examined on merits, there is no case made out for interference.

6. The learned Sessions Judge has noted that Exh.25 7/12 extract indicates that the petitioner is in possession of agricultural land. The petitioner has not adduced any evidence which would throw light on his income. The monthly maintenance of Rs.6000/- for the wife and two children is the bare minimum amount required for a dignified living.

7. No case is made out for exercising extraordinary jurisdiction under article 226 and 227 of the Constitution of India. The petition is dismissed.

JUDGE