

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

CRIMINAL REVISION APPLICATION NO. 95 OF 2019

(Omprakash s/o Khemraj Walde ..vs.. Smt. Bindu w/o Omprakash Walde)

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

Court's or Judge's orders

Mr. B.P. Bhatt, Counsel for the applicant,
None for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 01-09-2021

This application seeks to invoke the revisional power of this Court under Section 397 of the Criminal Procedure Code, 1973.

2. The applicant is not satisfied with the order dated 08-3-2019 rendered by the learned Judge, Family Court, Nagpur whereby the non-applicant is granted monthly interim maintenance of Rs.5,500/-. I have heard the learned Counsel Mr. B.P. Bhatt for the applicant, and the reasons recorded by the learned Judge of the Family Court are perused. I have no hesitation in holding that there is no infirmity whatsoever with the order granting interim maintenance of Rs.5,500/-. It is well settled that minute examination of the respective contentions is not necessary at the stage of deciding entitlement to interim maintenance. It would suffice if the Court is of the view, even *prima facie* view, that the wife is not in a position to maintain herself. The order of interim maintenance must necessarily follow.

3. However, the learned Counsel Mr. B.P. Bhatt is seriously questioning the quantum. I have given due consideration to the submission, however, I am not impressed.

4. The learned Judge has noted that the applicant received Rs.10,00,000/- (Rupees Ten Lac) as gratuity. The capitalized value of the portion of pension which is commuted, is Rs.8,26,984/- (Rupees Eight Lac Twenty Six Thousand Nine Hundred Eight Four). The learned Counsel would submit that the applicant has paid a considerable amount for the education of the son. I have no reason to doubt the veracity of the submission.

5. However, even if it is assumed that the applicant has paid a considerable amount for the education of the son, he is not relieved from the duty to ensure that his wife is in a position to live a dignified life.

6. The consideration by the learned Judge of the Family Court of entitlement and quantum is flawless.

7. No case is made out for interfering revisional jurisdiction. The revision is dismissed.

8. The learned Judge of the Family Court is requested to conclude the proceedings within the next eight months, provided the order of interim maintenance

is complied with.

9. If the interim order is not complied with, it is expected that appropriate consequences shall follow.

10. The registry shall ensure that copy of this order is forwarded to the learned Judge, Family Court, Nagpur who is in seisin of the matter, within the next seven days.

JUDGE

adgokar