

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

CRI. APPLN. (APL) NO. 576 OF 2016

APPLICANT :- Ganesh S/o Kisanrao Pawar, aged about 36 years, Occupation : Agriculturist, R/o. Belkhed, Tah. Mangrulpir, Dist. Washim.

...**VERSUS**...

RESPONDENTS: Manda W/o Ganesh Pawar, aged about 34 years, occupation : Agriculturist, R/o C/o. Gajanan Ramrao Chavan, Kinhi Rokade, Tah. Karanja, Dist. Washim.

None for the applicant.
Mr.S.D.Chande, counsel for the non-applicant/respondent.

CORAM : MANISH PITALE, J.

DATE : 05.07.2021.

ORAL JUDGMENT

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. By this application, the applicant has challenged two concurrent orders passed by the Court below, whereby monthly maintenance amount of Rs.1,500/- has been granted to the non-applicant under section 125 of the Code of Civil Procedure (Cr.P.C.).

3. This application was admitted by this Court and the record shows that on the last two dates, the learned counsel for the applicant has not appeared before this Court. In fact, in the order dated 24/06/2021 this Court had recorded as follows:

“Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

The learned counsel for the applicant Mr. S.N. Gaikwad is absent even today.

2. The absence is despite the fact that a SMS reminder was issued by the Court Shirstedar since Mr. S.N. Gaikwad was absent even earlier.

3. The non-cooperation of the learned counsel is duly noted.

4. Ms Ragini Zarbade appears on behalf of the non-applicant – wife.”

5. Stand over 5.7.2021 for appropriate orders.”

4. Even today, when the application is called out for hearing, none has appeared on behalf of the applicant. The learned counsel for the non-applicant/respondent has appeared before this Court.

5. A perusal of the present application and the documents filed therewith shows that in the present case, only an amount of Rs.1,500/- per month has been granted towards maintenance to the non-applicant/respondent under section 125 of the Code of Criminal Procedure. The order passed by the Magistrate has been confirmed by the Court of Additional Sessions Judge by dismissing the criminal revision application filed by the applicant before this Court.

6. This Court has perused the orders passed by the two Courts below. Apart from other aspects of the matter, the Courts below have taken into consideration the aspect of the respondent/non-applicant having some income from certain land that has come to her share. It is found by the Courts below that even if

that factor is taken into consideration, the applicant is liable to pay reasonable amount towards maintenance to the non-applicant/respondent for taking care of her basic needs. The Courts below have found that the applicant has not come forward with details of his income and as to the agricultural land on which he is carrying out his agricultural operations. The non-applicant/respondent has consistently pleaded that the applicant is possessing 35 acres of ancestral land from which he is earning handsome amount of money.

7. Before this Court, the applicant has harped upon the non-applicant/respondent allegedly having enough land in her possession to take care of her needs. Even before this Court, the applicant has not come out with details as to the agricultural activities being carried out by him and the extent of his income.

8. In this backdrop, the orders passed by the Courts below granting monthly maintenance to the non-applicant/respondent of Rs.1,500/- appear to be appropriate. In fact, the amount of Rs.1,500/- granted to the non-applicant would hardly take care even of her basic needs in this day and age.

9. In view of the above, this Court is of the opinion that the impugned orders passed by the Courts below do not deserve interference. Accordingly, the application is dismissed.

JUDGE