

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL REVISION APPLICATION NO. 150 OF 2019
WITH APPLN/398/2020 IN REVN/150/2019 WITH APPLN/1733/2019
IN REVN/150/2019**

Sominath Sidramappa Swami .. Applicant

Versus

Nanda Sominath Swami and others .. Respondents

Mr. S. K. Chavan, Advocate for the Applicant.

Mrs. Minakshi L. Sangeet, Advocate for Respondent No. 1.

CORAM : KISHORE C. SANT, J.

DATED : 03rd OCTOBER, 2022.

P. C. :-

1. Heard learned advocates for both the parties at length.
2. It is the case of applicant/husband that the amount granted towards maintenance to wife at the rate of Rs. 3,000/- (Rs. Three Thousand only) per month and to respondent No. 2 i.e. daughter at the rate of Rs. 4,000/- (Rs. Four Thousand only) per month and to respondent No. 3 who is son at the rate of Rs. 4,000/- (Rs. Four Thousand only) per month till he attains majority is exorbitant. It is submitted that the son has attained majority in the year 2019 itself and there is no question considering the matter to his extent. So far as respondent No. 2/daughter is concerned, it is submitted that now she

has completed education and she has obtained degree of M.B.B.S. Though it is not disputed, but it is submitted by the learned advocate for the respondent that as a matter of fact, the applicant/husband has not paid the amount of educational expenses to respondent No. 2.

3. Main thrust of the applicant/husband is that the properties which are purchased by him i.e. Flat Nos. 23 and 24 in Jabinda Estate, Osmanpura, Aurangabad are in possession of wife. He is ready to cohabit with wife. However, he is not in possession of the property and he find it difficult to arrange for any funds except his salary.

4. The husband further has tried to canvass that, when the petition was filed, petition was signed only by wife i.e. respondent No. 1 on behalf of respondent Nos. 2 and 3. The learned advocate submits that, respondent No. 2/daughter was major even on the date of filing of petition and therefore, her application could not have been considered by the Court as in the eyes of law the application cannot be treated for respondent No. 2. There is nothing on record to indicate that it is respondent No. 2 who has authorized to respondent No. 1 to sign the petition on her behalf and to file the same before the Court.

5. This Court need not go into the said aspect. It is not the case of respondent No. 2 that she does not accept the judgment or she has any

objection for her mother to file application for maintenance on her behalf. Considering that provision of Section 125 is a piece of beneficial legislation, it would not be proper to take into account such technical aspect.

6. Learned advocate for respondent No. 1 submits that in spite of specific orders, the applicant/husband has not paid any amount towards education expenses. It is for the parties to go for execution which is reportedly filed by the parties and pending before the learned Family Court at Aurangabad.

7. The amount granted by the Court is only Rs. 3,000/- and Rs. 4,000/- per month which cannot be said to be exorbitant at any rate. The applicant/husband is in service and working as Senior Clerk in Maharashtra State Housing Finance Corporation. On hearing in details, this Court has not noticed any perversity or any illegality committed by the learned Family Court, Aurangabad while passing order dated 18.03.2019 in Petition No. E. 181/2017. Thus, there is no merit in the application.

8. At this point, learned advocate for the applicant prays for liberty to apply to the Court below for modification of the order.

9. The applicant/husband is free to take recourse to any remedy as provided under law.
10. The revision application is disposed of accordingly.
11. Learned advocate for respondent No. 1 is appointed by this Court. Looking at her standing at the Bar her fees is quantified as Rs. 10,000/- (Rs. Ten Thousand only) to be paid to her by High Court Legal Aid Service Committee, Aurangabad.
12. In view of disposal of revision application, all interim applications are disposed of.

(KISHORE C. SANT, J.)

PS.B.