

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

CRIMINAL REVISION APPLICATION NO. 45 OF 2020

Shaikh Imran Shaikh Salim

.. Applicant

Versus

Saba Shaikh w/o Shaikh Imran and another

.. Respondents

Ms. Pallavi Wangikar, Advocate h/f Mr. R. V. Gore, Advocate for the Applicant.

Mr. Amit A. Yadkikar, Advocate for Respondent Nos. 1 and 2.

CORAM : KISHORE C. SANT, J.

DATED : 27th SEPTEMBER, 2022.

P C. :-

1. Heard learned advocate Ms. Wangikar holding for learned advocate Mr. Gore for the applicant and learned advocate Mr. Yadkikar for respondent Nos. 1 and 2.

2. The learned advocate for the applicant/husband submitted that though the respondent/wife has married with applicant, but the marriage was not a valid marriage as she has not completed the process of halala before getting married with the applicant. The learned advocate further states that the respondent/wife is well educated lady having qualification of Bachelors in education. She is earning Rs. 30,000/- to Rs. 40,000/- per month. However, there is no evidence

produced on record by the applicant/husband to show that the respondent/wife is earning.

3. The learned Court below has rightly considered that merely because the wife is qualified, it cannot be said that she is earning.

4. The learned Court below has noted that the applicant/husband has filed a suit for declaration that re-marriage dt. 08.10.2017 is void, however, he has considered that there is no decree obtained by the applicant/husband. The said marriage has become valid since it is consumed by the parties.

5. The learned advocate for the applicant has fairly stated that she is not challenging the order to the extent of grant of maintenance awarded to respondent No. 2. However, she only challenges the part of the order by which maintenance of Rs. 3,000/- (Rs. Three Thousand only) is awarded to respondent No. 1 – wife.

6. The learned advocate for the respondents submits that the learned Court below has rightly awarded the maintenance to the wife and son. There is no illegality or perversity found in the order. Thus, he supports the judgment and order.

7. After hearing the parties and after perusing the impugned

judgment, this Court finds no perversity or illegality in the impugned judgment and order. Hence, the revision application deserves to be dismissed.

8. Considering the above aspect, the findings on the points are correct. No case is made out.

9. The revision application is dismissed. No order as to costs.

(KISHORE C. SANT, J.)

PS.B.