

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

918 CRIMINAL REVISION APPLICATION NO.34 OF 2021

**VIVEKANAND SOPAN POUL
VERSUS
UJWALA W/O. VIVEKANAND POUL AND ANR**

Mr.VB. Deshmukh, Advocate for the applicant.

Mr.K.S. Patil, Advocate for the respondents.

**CORAM : KISHORE C. SANT, J.
DATED : 30.09.2022**

PC :-

01. Heard learned Advocates for both sides. By consent of the parties, taken up for final disposal.

02. By way of impugned order, the learned Judge, Family Court, Latur has directed the applicant-husband to pay to respondent No.2-his daughter an amount of Rs.5000/- per month from the date of application. So far as respondent No.1 is concerned, the application is rejected to her extent.

03. The only submission of the husband before this Court is that though he was earlier in service, now the company, namely, Sunil Hightech, in which he was working is closed down. Therefore, as on today, there is no

source of income and he himself is struggling for survival. Learned Advocate for the applicant-husband has produced on record a certificate issued by Medical Officer (Class-I), Primary Health Center, Vairag, Tal. Barshi showing that the applicant is suffering from tuberculosis and is taking treatment. He has also produced a certificate issued by Talathi showing that for the year 2022-23, the applicant has not taken any crop in the field.

04. As against this, learned Advocate for the respondents has submitted that the applicant is well qualified person. He is working as Senior Engineer in the company. Learned Trial Court has rightly awarded maintenance to respondent No.2 only and the order does not require any interference at the hands of this Court.

05. I have considered the impugned judgment and the material on record. It is seen that the applicant-husband is a qualified person having Bachelor's Degree in Mechanical Engineering. He is also having some landed property in his name, which is admeasuring 1 Hectare 95 R. Though it is a case that the said land is uncultivable, still he is getting some income out of the said land.

06. Going through the judgment it is seen that the learned Court below has rightly considered all the aspects of the matter. Though the amount required for maintenance of respondent No.2 is more and even her fees of college is Rs.92000/- per year, still considering that even respondent No.1 is also working and earning and getting salary in the Municipal Corporation, Latur, only amount of Rs.5000/- is directed towards maintenance to be paid by the applicant. It is clearly observed that the responsibility to maintain respondent No.2 is also on respondent No.1. Merely because the applicant is suffering from some disease cannot be taken that he is unable to work and earn livelihood. The certificate issued by Talathi regarding crop in the land need not be considered, as it is for the applicant to cultivate the land.

07. Therefore, while considering the amount, the Court has fastened partial liability on the applicant and this Court does not find any reason to interfere with the findings recorded by learned Judge, Family Court. Hence, this Criminal Revision Application is dismissed with no order as to costs.

[KISHORE C. SANT, J.]