

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

CRIMINAL REVISION APPLICATION NO.160 OF 2021

SANJAY KAMALKISHOR AGRAWAL  
VERSUS  
POORNIMA W/O. SANJAY AGRAWAL

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Advocate for Applicant : Mr. Thole Vinod I. And Mr. Razvi Syed Mubashir Ali  
Advocate for Respondent : Mr. Tripathi Sushilkumar H.

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**CORAM : BHARAT P DESHPANDE, J.**

**DATE : 2<sup>nd</sup> AUGUST 2022.**

**Per Court :**

1. This is Revision Application filed by the husband challenging impugned order dated 07.09.2021, by which maintenance granted to the Respondent was enhanced by Rs. 1500/-.
2. The Respondent filed application before the Family Court, Jalgaon, i.e. Miscellaneous Application No.5/2021 for enhancement of maintenance granted her earlier on the ground that Applicant was directed to pay an amount of Rs.4000/- per month vide order dated 15.12.2014 vide Criminal Miscellaneous Application No.702/2012.

3. Learned Family Court after giving opportunity to the Applicant, decided the said application thereby enhancing maintenance by Rs.1500/-. Applicant is therefore directed to pay the amount of Rs. 5500/- per month.

4. Heard. learned Counsel for both the parties.

5. The report clearly goes to show that Criminal Miscellaneous Application No.290/2001 filed by the Respondent before the learned Judicial Magistrate, First Class, Jalgaon under Section 125 of Cr.P.C., she was awarded maintenance of Rs.800/- per month. This order was passed by the Magistrate on 20.12.2005.

6. Thereafter, the Respondent applied for enhancement vide Criminal Miscellaneous No. 702/2012. Vide order dated 15.12.2014 passed by the Judicial Magistrate, First Class, Jalgaon, the maintenance was enhanced from Rs.800/- to Rs. 4000/- per month.

7. Thereafter Respondent vide Miscellaneous Application No.5/2021

applied for further enhancement and vide impugned order dated 07.09.2021, learned Family Court, Jalgaon enhanced the maintenance by Rs.1500/-. Thus, the Applicant is now directed to pay maintenance of Rs.5500/-.

8. Learned Counsel for the Applicant forcefully submitted that the contentions raised by the Applicant were not considered by the learned Family Court and he is suffering from the ill-treatment given to him by the Respondent from time to time, by filing various proceedings. He submits that the income of the Applicant is only Rs.10,000/- per month and therefore it would be difficult for him to pay Rs.5500/- to the Respondent.

9. Learned Counsel for the Respondent pointed out that orders passed by the various Courts from time to time, show that the Applicant is earning handsomely and he is liable to pay maintenance. On perusal of the reasons disclosed in the impugned order, it shows the Applicant failed to produce any material to show his income at present. It is the contention of the Respondent that Applicant is getting handsome salary

and is also getting income from the agricultural land. In view of the above findings of the learned Family Court and the fact that the order is not suffering from any illegality, Revision Application must failed. Hence the following order.

**ORDER**

(i) The Revision Application stands rejected.

[ BHARAT P DESHPANDE, J.]

*Najeeb.*