

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

CRIMINAL REVISION APPLICATION NO. 242 OF 2016

Md. Khaja s/o Md. Yakhoob Qureshi .. Applicant

Versus

Rahima Bano w/o Md. Khaja Qureshi
and others .. Respondents

Mr. U. B. Bilolikar, Advocate for the Applicant.
Mr. G. R. Syed, Advocate for Respondent Nos. 1 to 3.

CORAM : KISHORE C. SANT, J.

DATED : 13th SEPTEMBER, 2022.

PER COURT :-

1. Heard the learned advocate for both the sides.
2. Mr. Bilolikar, learned advocate for the applicant submits that the learned Judge, Family Court, Nanded by way of impugned judgment and order directed the applicant-husband to pay to respondent-wife and both the daughters maintenance at the rate of Rs. 2,000/- (Rs. Two Thousand only) per month and he was further directed to pay an amount of Rs. 1,000/- (Rs. One Thousand only) towards the cost of the proceeding. The learned advocate heavily criticized the judgment and the findings recorded by the learned Judge, Family Court. He states that there is nothing on record to show that the earning of the

husband is sufficient to afford to pay this much amount to the wife and the daughters. The learned advocate submits that the wife is residing away from the husband on her own. He states that there is no evidence to show that the wife is neglected by the husband. The respondent-wife is a quarrelsome lady and she used to constantly harass the husband. She had also filed a complaint for the offence punishable under Section 498-A of the Indian Penal Code on the basis of which the prosecution was lodged and the same ended into acquittal. Thus, the learned advocate tried to canvass that the wife is not entitled to any maintenance.

3. Heard the learned advocate Mr. Syed for the respondent Nos. 1 to 3. He points out that the learned Judge, Family Court has rightly appreciated the case in hand. It is the specific case of respondent-wife that the husband is in the business of selling of clothes and he is earning Rs. 50,000/- (Rs. Fifty Thousand only) per month. The respondent has not brought on record any material to support his case that earning of husband is only Rs. 4,000/- (Rs. Four Thousand only) per month and he is working in the shop as salesman. The Court has rightly appreciated that though there is no proof of income on record, but considering the fact that the husband is physically fit and able bodied person, he can afford to pay the maintenance. The learned advocate

further points out that, in fact, the wife had prayed for Rs. 10,000/- (Rs. Ten Thousand only) per month towards maintenance to each of the respondent considering the present day requirements of a person. He states that in fact, the amount awarded is much less than what is required. He supports the judgment to the extent of directing to pay the maintenance, though, at a lower rate.

4. Considering the arguments, this Court finds that there is no merit in the revision application. The learned Judge, Family Court has rightly considered the aspect that the husband is able bodied person and he has the responsibility to pay the maintenance to his wife and two daughters. There is nothing on record to show that the wife is residing separately on her own. There is also no case made out by the husband that he is taking proper care of the family members. In view of this, the present revision application deserves to be dismissed.

5. In view of the above, the criminal revision application is dismissed. No order as to costs.

(KISHORE C. SANT)
JUDGE

RS.B.