

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

CRIMINAL WRIT PETITION NO. 1520 OF 2021

Vitthal Dagadu Kshirsagar

..PETITIONER

VERSUS

Mangal Vitthal Kshirsagal and Another

..RESPONDENTS

....
Mr. R.S. Kasar, Advocate for petitioner

Mrs. G.L. Deshpande, A.P.P. for respondent no.2 - State

....

CORAM : R.G. AVACHAT, J.

DATED : 24th JANUARY, 2022

PER COURT :

1. Heard.

2. The challenge in this petition is to order dated 10th December, 2019 passed by the Additional Sessions Judge, Ahmednagar in Criminal Revision Application No. 209 of 2014, whereby the application moved by the petitioner – husband, taking exception to the order of granting maintenance to his wife, came to be rejected.

3. The order impugned herein dates back to December 2019. Present petition has been filed exactly two years thereafter. According to the petitioner, he has now been retired from service and receiving pension of

Rs.2,000/- per month and as such unable to pay the maintenance as has been directed by the learned Magistrate.

4. In view of Section 127 of the Code of Criminal Procedure, the petitioner has remedy to meet such situation. Section 127 speaks of alteration in allowance. If the petitioner's case really falls under Section 127, he may apply to the Court concerned for alteration in the quantum of maintenance.

5. After having gone through the order impugned herein, this Court finds no reason even to issue notice to the respondents. Petition stands dismissed. If the petitioner moves an application under Section 127, the Court concerned to decide the same on its own merit without being influenced by this order.

(R.G. AVACHAT, J.)

SSD