

Andreza

**IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL REVISION APPLICATION NO. 10 OF 2021**

Reis Duarte Pereira	... Applicant
<i>Versus</i>	
Navity Josephine Pereira & anr.	... Respondents

Ms. Parinda P. Kanekar, Advocate for the Applicant.
Ms. Manasvi Shirdokar, Advocate for the Respondents.

CORAM: C. V. BHADANG, J
DATED: 21st April 2022

P.C.

1. The challenge in this revision application is to the judgment and order dated 08.09.2021 passed by the learned Sessions Judge, Mapusa, in Criminal Appeal No. 39/2019.
2. By the impugned Judgment, the learned Sessions Judge has set aside the order passed by the learned Magistrate on 08.02.2019 in Case no. 47/DVA/2018/C, by which the learned Magistrate had rejected the application for interim maintenance filed by the respondent no.1.
3. The respondent has initiated a complaint under Section 12 of the Protection of Women from Domestic Violence Act, (for short '*said Act*') against the respondent seeking maintenance of ₹15,000/- per month and other reliefs. The respondent sought an interim maintenance of ₹ 15,000/- per month, which was refused by the learned Magistrate. The learned Sessions Judge has granted an interim maintenance of ₹8,000/- per month to the child. Feeling aggrieved, this revision application is filed.

4. The record discloses that by an order dated 26.11.2021, the Applicant was directed to pay an amount of ₹3000/- per month towards the maintenance of the child who is said to be suffering from certain disability.

5. The learned Counsel for the applicant submitted that the applicant is having a proprietary-ship business of repairing of UPS and is earning ₹10,000/- per moth. It is contended that he has no ability to pay maintenance in excess of ₹3,000/-. The learned Counsel in support of the same has filed an affidavit producing documents including income tax return of the applicant.

6. The learned Counsel for the respondent no.1 submitted that ₹3,000/- per month is insufficient for taking care of the child as expenses have also to be incurred on the medical treatment of the child. She submitted that the Applicant be directed to pay ₹7,000/- to ₹8,000/- per month as interim maintenace.

7. I have considered the submissions made. It is necessary to note that the respondent-wife is said to be serving as a Teacher in a Government aided School. The maintenance for the present has only been granted to the child who is said to be suffering from certain disability disease. The main application filed under Section 12 of the DV Act is pending before the learned Magistrate where the parties would get better opportunity to lead evidence and to establish their own case as there are rival contentions made on the requirements of the child as well as the income of the applicant.

8. In my considered view, this revision application can be disposed of by directing the applicant to pay ₹5,000/- per month to the respondent no.1 towards maintenance of the child pending disposal of the DV Act case.

9. The impugned order is modified to that extent and the revision application is disposed of.

C. V. BHADANG, J

ANDREZA PEREIRA Digitally signed by ANDREZA PEREIRA
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