

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.515 OF 2019

Shri.Parshuram Madhav Nevkar ...Applicant
Vs.
Smt.Asha Parshuram Navkar & Anr. ...Respondents

Mr.Sachin Gite for the Applicant.
Ms.J.S. Lohakare, APP for the Respondent-State.

CORAM : C.V. BHADANG, J.

DATE : 4 AUGUST 2022

P.C.

. The challenge in this Revision Application under Section 397 of the Code of the Criminal Procedure is to the order dated 22 August 2019 passed by the Family Court at Nashik in Petition No.E-25 of 2017. By the impugned order the Family Court has granted maintenance of Rs.6,000/- per month to the Respondent-wife from 18 January 2017. The maintenance has been granted under Section 125 of the Code.

2. I have heard the learned counsel for the Petitioner. Perused record.

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3. Mr.Gite, the learned counsel for the Petitioner submitted that the Respondent-wife is serving with Sanjeevani Hospital and earning Rs.15,000/- per month as salary. It is submitted that the children born out of the marriage are staying with the Petitioner and the Petitioner is required to incur expenditure on their maintenance. It is submitted that the Civil Judge Senior Division has granted maintenance of Rs.3,000/- to the Respondent by order dated 12 January 2018 in Hindu Marriage Petition No.252 of 2016 under Section 24 of the Hindu Marriage Act, which is filed by the Petitioner for dissolution of marriage. It is submitted that the said amount is not taken into consideration by the family Court. Except this, there are no other contentions raised.

4. I have considered the circumstances and the submissions made and I do not find that any case for interference is made out.

5. Although it is submitted that the Respondent is working with Sanjeevani Hospital, the learned counsel for the Petitioner, in all fairness, submitted that there are no documents produced nor any witness examined from Sanjeevani Hospital to establish that the Respondent is working with the said Hospital. Thus the contention cannot be accepted. The fact that the children are residing with the Petitioner, cannot further the case

of the Petitioner inasmuch as maintenance is granted to wife and not for the children. Insofar as the maintenance granted in HMP No.252 of 2016 is concerned a specific query was made whether the said HMP is pending or disposed of, whether the amount of the interim maintenance is paid. The learned counsel expressed inability to make any statement for want of instructions.

6. I have gone through the impugned order passed by the family Court and it does not suffer from any infirmity so as to require interference in the revisional jurisdiction. The Criminal Revision Application is dismissed in limine.

C.V. BHADANG, J.