

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Criminal Revision Application (REVN) No. 55 of 2022

Rajendra Shriramji Shambharkar

Versus

Nalini Rajendra Shambharkar

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms. Bhavika Hindustani, Advocate h/f Shri A.N.Ansari,
Advocate for the applicant.

Shri R.S.Bhishikar, Advocate h/f Shri N.R.Bhishikar,
Advocate for the non-applicant.

CORAM : ANIL S. KILOR, J.

DATED : 14th NOVEMBER, 2022.

The applicant has raised a challenge to the correctness and validity of judgment and order dated 23rd October, 2021, passed by the learned Sessions Court, Warora in Criminal Appeal No. 10 of 2020, dismissing the appeal and confirming the judgment and order dated 12th June, 2020 passed by the learned Judicial Magistrate First Class, Chimur in PWDVA No. 14 of 2016, thereby granting Rs. 1500/- per month towards maintenance i.e. expenses for her food, clothing, medicine etc., Rs.1000/- per month towards

house rent and Rs.25,000/- towards compensation under Section 22 of the Domestic Violence Act, 2005 to the non-applicant, wife of the applicant.

2. Ms. Hindustani, learned counsel for the applicant submits that the amount granted by the learned trial Court is exorbitant. It is submitted that the applicant and non-applicant are having two daughters, who are staying with the applicant and non-applicant is not taking care of them and therefore the applicant needs to take care of two daughters who are dependent upon him. Accordingly, she prays for quashing and setting aside the impugned judgment and order.

3. Shri Bhisikar, learned counsel for the non-applicant supports the order passed by the learned trial Courts and prays for dismissal of the present application.

4. In the backdrop of the submissions of the learned counsel for the respective parties, I have perused the revision application and the documents filed along with revision application including impugned judgment and order.

5. It is a settled law that the object of grant maintenance is to prevent vagrancy and destitution. The Magistrate has to therefore, find out as to what is required by the wife to maintain a standard of living

which is neither luxurious nor penurious, but is modestly consistent with the status of family.

6. After going through the impugned judgment and order, it is evident that the Court has considered all aspects as regards income of the applicant, number of persons dependent upon him and thereupon determined the maintenance amount which would require for the non-applicant to live modestly.

7. Thus, considering the reasons recorded by the learned trial Courts after considering the oral as well as documentary evidence, I do not see any reason to interfere with the impugned judgment and order as no illegality or perversity has been committed by the learned trial Courts. In the circumstances, I pass the following order.

i. Criminal revision application is rejected.

[ANIL S. KILOR, J.]

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