

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

CRIMINAL REVISION APPLICATION NO. 84 OF 2020

Shahin Dosan and Roshini Mohd. Ali Dosani Vs. Mohd.Ali Dosani Mohd.Kesar

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.G.Karmarkar, Advocate for the applicant
Mr. N.R.Bhishikar, Advocate for Respondent

CORAM : AVINASH G. GHAROTE, J.
DATE : 08/07/2022

1] Heard Mr. Karmarkar, learned counsel for the applicant and Mr. Bhishikar, learned counsel for the non-applicant.

2] The application challenges the judgment dated 13.1.2020 passed by the learned Family Court whereby the maintenance awarded to the daughter in the sum of Rs. 3000/- per month is sought to be enhanced.

3] Mr. Karmarkar, learned counsel for the applicant submits that the amount of maintenance granted is very meager considering the need of applicant no.2, who is taking education and therefore, needs to be enhanced. He submits that the non-applicant is possessed of sufficient means and is also the owner of a truck which gives him substantial income. It is therefore, submitted that the maintenance needs to be enhanced.

4] Mr. Bhishikar, learned counsel for the non-applicant opposes the application and submits that the non-applicant is a driver by profession and the contention that he owns a truck is not correct, inasmuch as the same was seized and sold by the Finance Company.

5] The affidavit dated 2.7.2022 placed on record indicates that the truck owned by the non-applicant, was hypothicated with Shriram Transport Finance Company and on account of non-payment of the instalment, was attached and sold on 26.6.2018, which would indicate that the said vehicle was not available to the non-applicant for any earning. It is also an admitted position that the son born out of the wedlock is residing with the non-applicant and is being looked after by him. It has also come on record that the mother of the applicant, has also earning source, which is indicated by para 13 of the impugned judgment. There is nothing placed on record to indicate possession of means by the non-applicant over and above what has been considered by the learned Family Court, considering which I do not see any reason to interfere in the impugned judgment. The revision is therefore dismissed. No costs.

JUDGE

Rvjalit

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Signing Date:08.07.2022 18:11