

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

CRIMINAL REVISION APPLICATION NO.223 OF 2023

**GANESH MANGAL GIRI
VERSUS
ALKA @ POOJA W/O. GANESH GIRI AND ANOTHER**

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Mr. K. P. Rathod, Advocate for the Applicant.
Mr. Dhananjay S. Patil, Advocate for Respondents.

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : 27th SEPTEMBER, 2023.

PER COURT:-

1. The applicant, who is husband of respondent no.1 and father of respondent no.2 impugns the order dated 29.10.2018 passed by the learned Judicial Magistrate First Class, Gangapur in Criminal Miscellaneous Application No.106/2014 by which the prayer of maintenance has been granted in favour of the respondents under the provisions of Protection of Women from Domestic Violence Act, 2005, which is confirmed by the learned Additional Sessions Judge, Vaijapur in PWDVA Appeal No.04/2019 vide order dated 10.02.2023.

2. The learned Advocate appearing for the applicant would submit that both the Courts below have failed to appreciate the evidence on record in its proper perspective and erroneously awarded maintenance in favour of the respondents. He would submit that respondent no.1 failed to place on record documentary evidence showing the income of the applicant. However, the Courts below have accepted the case of the respondents and

erroneously awarded total maintenance of Rs.12,000/- per month. He would submit that the applicant is suffering from various ailments. He is required to maintain his parents. In absence of the income source, there was no reason to pass an order directing payment of maintenance of Rs.12,000/-.

3. The learned Advocate appearing for the respondents submits that although applicant has sufficient means, he has failed to maintain the respondents. He would submit that the Courts below have recorded concurrent findings that the applicant hails from educated and reputed family and also having political background. The father of the applicant is getting pension. Except the respondents, the applicant has no responsibility.

4. Having considered the submissions advanced, apparently there is no dispute that the applicant married with respondent no.1 in the year 2004 and respondent no.2 is begotten from such marriage. It is not in dispute that till 2013, the respondent no.1 cohabited with the applicant. However, there was discord between them. The respondent no.1 is residing separately alongwith respondent no.2.

5. Section 20 (d) of the Domestic Violence Act provides for grant of maintenance to the aggrieved woman and children. While fixing the amount of maintenance, the Courts are required to consider overall living standard of the family. In the present case, both the Courts have concurrently held that respondent no.1 owns immovable property. He is black-belt holder in the game of Karate and he can work as a trainer. Pertinently, the applicant has pleaded that his family is highly educated and reputed. In

that scenario, the Courts below have rightly fixed the maintenance of Rs.7000/- in favour of respondent no.1-wife and Rs.5000/- in favour of respondent no.2, who is daughter and pursuing education. The amount of Rs.3000/- is fixed under the provisions of Section 19(1)(f) of the Domestic Violence Act, since the respondents are forced to reside separately. While doing so the Courts below have considered living standard of the family and requirements of the rent. Nothing is brought to the notice of this Court by which the finding recorded by the Courts below can be branded as erroneous. The Courts below have exercised jurisdiction vested with them in judicious manner and rightly concluded that the respondents are entitled for the aforesaid maintenance. In that view of the matter, no case is made out for interference in revisional jurisdiction. The Revision Application is dismissed.

(S. G. CHAPALGAONKAR)
JUDGE