

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

977 CRIMINAL WRIT PETITION NO.619 OF 2023
SAMINA BEGUM W/O. SHAIKH RAJU AND OTHERS
VERSUS
SHAIKH RAJU BABULAL

...
Advocate for Petitioners : Mr. Swapnil S. Rath

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CORAM : R. M. JOSHI, J.
DATE : AUGUST 1, 2023

PER COURT :

. Petitioners are taking exception to the order dated 22.12.2022 passed by the Additional Sessions Judge-4, Parbhani in PWDVA Appeal No.38 of 2021 which was filed against the order dated 11.11.2021 passed below Exh. 6 in PWDVA Application No.12/2019.

2. Learned counsel for petitioners states that petitioner no.1 is the wife and petitioners no.2 and 3 are daughter and son of petitioner no.1 and respondent. He further states that petitioners are challenging these orders on two counts i.e. (i) failure on the part of the learned Magistrate to grant adequate amount of maintenance owing to the income and responsibilities of the respondent, and (ii) being aggrieved by the said order passed by the learned Magistrate, appeal came to be preferred. In the said appeal, apart from taking exception to the grant of adequate amount of maintenance, it is also

brought on record that respondent submitted disclosure statement in appeal which indicates that respondent receives salary Rs.66,323/-, whereas at the time of order by the learned JMFC there was no disclosure of the salary.

3. From the aforesaid submissions it is clear that apart from the fact that the petitioners have grievance about non-grant of adequate maintenance, they are also seeking enhancement of the maintenance on the basis of additional evidence brought on record. This amounts to change in circumstances. Provision under Section 25 of the Protection of Women from Domestic Violence Act, 2005 (For short, 'Act') clearly shows that in case of any change in circumstances it is open for aggrieved person as well as respondent to seek alteration, modification or revocation of any order made under this Act. Since the petitioners are banking upon the production of additional evidence in the form of salary of the respondent – husband, it would be open for the petitioners to move appropriate application under Section 25 of the Act before concerned learned Magistrate. In view of this, the petition stands disposed of.

[R. M. JOSHI]
JUDGE

GGP