

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1344 OF 2017

Deelip s/o Govinda Sonwane
Age 37 years, Occu.: Service,
R/o. Satkarmnagar, Gut No.144,
Plot No.4, Satara Parisar,
Beed Bye-pass Road,
Tal & Dist. Aurangabad.

...Petitioner

Versus

1. Ashwini w/o Deelip Sonwane,
Age : 30 years, Occ.: Business,
R/o. C/o. Jagannath Konduba Padale,
New Masobanagar, Shikshak Colony,
Sillod, Tq. Sillod, Dist. Aurangabad.
2. Kum. Mrunal d/o. Deelip Sonwane,
Age : 11 Years, Minor, U/g. Of the Resp. No.1.
3. Kum. Samta d/o. Deelip Sonwane,
Age 6 years, U/g. Of Resp. No.1.
4. The State of Maharashtra,
(Copy served through G.P. Office
High Court of Judicature
of Bombay Bench at Aurangabad.

...Respondents

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Advocate for Petitioner : Mr. Rohit Patwardhan h/f Mr. Jadhav Satej S.

APP for Respondent No.4/State : Mr. P. N. Kutti

Advocate for Respondent Nos. 1 to 3 : Mr. Palodkar Devdatt P.

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CORAM : KISHORE C. SANT, J.

DATE : 12th APRIL 2023.

ORDER :

1. Heard the learned Advocates for the respective parties at length.

By consent of the parties, taken up for final disposal.

2. The limited grievance of the wife is that the learned Judicial Magistrate First Class had granted maintenance @ Rs.3000/- per month to her and Rs.2000/- to both the children each. In Revision, the said amount is reduced to Rs.2000/- per month to the wife and Rs.1500/- to both the children each. Learned Advocate submits that there is no sufficient reason to reduce the amount of maintenance considering the salary of the husband. From the judgment of the learned Sessions Court, it is seen that the Court has considered that the husband is getting salary of Rs.32,600/-. Already in different proceedings the order to pay maintenance is passed and thus the total of maintenance is exceeding of Rs. 16000/- per month that is more than 50% of the

salary of the husband. Learned Sessions Court therefore considered the view of the various judgment of the Hon'ble Apex Court, wherein it is laid down that in normal course the amount of maintenance shall be around 40% of the income of the husband and reduced the amount of maintenance. It is accepted that in all the proceedings, total amount of maintenance is around Rs.16000/- per month.

3. The learned Advocate for the petitioner submits that there are also some properties standing in the name of husband like agricultural land. However there is no proof produced on record of any income from other properties.

4. Considering the material on record, this Court finds that the view taken by the learned Sessions Court is a reasonable view as no interference is required in the order passed by the learned Sessions Judge. The learned Advocate for the petitioner submits that this amount was granted in 2017 and now in view of change in circumstances, the cost of living have gone up at least that should be considered. Needless to say there are remedies open to the petitioner

to claim for enhancement in the maintenance by resorting to the provision of law. In view of this, this Court finds that no interference is required at this stage and at the hands of this Court in the impugned order. The Writ Petition is therefore dismissed.

5. It is expected of the husband to pay the maintenance as per the order passed by the Court below.

[KISHORE C. SANT, J.]

Najeeb.