



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2188 OF 2022

Archana Anand Yalmar and another ... Petitioners

Versus

Anand Murlidhar Yalmar and another ... Respondents

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Mr. Anand Patil for the Petitioners.

Mr. Vaibhav Ugle for the Respondents.

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CORAM : N.R. BORKAR, J.

DATED : 3 JULY 2023

P.C. :-

1. The petitioner No.1/wife had filed an application under Section 125 of the Code of Criminal Procedure against respondent No.1/husband for grant of maintenance, for herself and petitioner No.2/son.

2. By order dated 20 October 2021, the learned Magistrate directed the respondent No.1 to pay maintenance at the rate of Rs.4,000/- per month to the petitioner No.1/wife, Rs.3000/- per month to the petitioner No.2/son from the date of filing of the application.

3. At the instance of respondent No.1/husband, the order passed by the learned Magistrate was subjected to revision before the Sessions Court and though no error or perversity was found in the findings recorded by the learned Magistrate, the learned Sessions Court had modified the order passed by the learned Magistrate and directed the respondent No.1/husband to pay the maintenance at the following rate :

To petitioner No.1 :

i.	From November 2012 to March 2013	Rs.500/- per month
ii.	From April 2013 to March 2014	Rs. 550/- per month
iii.	From April 2014 to March 2015	Rs.650/- per month
iv.	From April 2015 to March 2016	Rs.800/- per month
v.	From April 2016 to March 2017	Rs.1000/- per month
vi.	From April 2017 to March 2018	Rs.1300/- per month
vii.	From April 2018 to March 2019	Rs.1700/- per month
viii.	From April 2019 to March 2020	Rs.2200/- per month
ix.	From April 2020 to March 2021	Rs.2000/- per month
x.	From April 2021 to March 2022	Rs.2000/- per month
xi.	From April 2022	Rs.4000/- per month

To petitioner No.2 :

i.	From November 2012 to March 2013	Rs.300/- per month
ii.	From April 2013 to March 2014	Rs.350/- per month
iii.	From April 2014 to March 2015	Rs.400/- per month
iv.	From April 2015 to March 2016	Rs.450/- per month
v.	From April 2016 to March 2017	Rs.500/- per month
vi.	From April 2017 to March 2018	Rs.550/- per month
vii.	From April 2018 to March 2019	Rs.600/- per month
viii.	From April 2019 to March 2020	Rs.650/- per month
ix.	From April 2020 to March 2021	Rs.1000/- per month
x.	From April 2021 to March 2022	Rs.2000/- per month
xi.	From April 2022	Rs.3000/- per month

4. The Sessions Court has observed that the conclusion drawn by the learned Magistrate to grant maintenance at the same rate from the date of application is not consistent with the evidence on record. If this was so, then the Sessions Court ought to have referred to the said evidence while arriving at the different conclusion. However, the same is not done and thus, there are no findings in support of the modification. The order impugned therefore cannot be allowed to stand. The impugned order is thus set aside and the matter is remanded back to the Sessions Court for deciding it afresh. The Petition is disposed of.

(N.R. BORKAR, J.)