

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 2487 OF 2022

Manoj Anganamal Jindal ...Petitioner
Versus
The State Of Maharashtra And Anr. ...Respondents

....

Mr. Subhash Jha a/w Siddharth Jha, Ms. Meena Mishra, Mr. Tushar Bansode, Alka Pandey and Dwivendra Dubey i/b Law Global Advocates, Advocate for the Petitioner.

Mr. A. M. Sarogi, Advocate for the Respondent No.2.

Ms. Anamika Malhotra, APP for the Respondent – State.

CORAM : R. G. AVACHAT, J.
DATE : 7th JANUARY, 2023.

PER COURT:

1. Heard.
2. The Petitioner herein is the original Respondent in M. J. Petition No.E-14 of 2016 instituted under Section 125 of Criminal Procedure Code. The Family Court allowed the Application granting the Petitioner therein maintenance of Rs.50,000/- per month. The matter reached this Court in Writ Petition No.589 of 2021. This Court, vide Order dated 4th March, 2021, dismissed the same on merits. The Petitioner herein took exception to the said Order in SLP, but has been unsuccessful. He has again moved this Petition taking exception to the order of the Family Court granting maintenance of Rs.50,000/- per month.
3. On hearing the learned Advocate for the Petitioner, the Court

expressed disinclination to even issue notice in the matter. The Court finds the Petitioner to have a remedy under Section 127 Cr.PC. for alteration in allowances.

4. In view of the same, the Petition is disposed of with liberty to the Petitioner to move the Court concerned, under Section 127 Cr.PC. Needless to mention that the Court to decide the same on its own merits. It is informed that the Petitioner is in arrears of over Rs.30,00,000/-. There is no interim relief. The Respondent-wife is at liberty to move for recovery of the said amount by resorting to the appropriate proceedings. The Family Court is expected to follow the judgment of the Apex Court in *Rajnish Vs. Neha and Another reported in (2021)2 Supreme Court Cases 324*.

(R. G. AVACHAT, J.)