



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT NAGPUR, NAGPUR.

...

CRIMINAL APPLICATION (APPR) NO. 288/2023
WITH
CRIMINAL REVISION APPLICATION NO. 189/2023

Pavan s/o Chauthmal Lodha

.. Applicant

versus

Bhagyashri w/o Pavan Lodha and another

.. Respondent

.....
Mr.T.U.Tathod, Advocate for the applicant
.....

CORAM: ANIL L. PANSARE, J.

DATED : 10th October, 2023.

PC:

CRI.APPR.No. 288/2023

By present application, the applicant is seeking condonation of delay of 38 days in filing the Revision Application. The applicant has filed the Revision challenging the impugned order dated 11.04.2023 below Exh.14 passed by learned Judge, Family Court, Yavatmal in Petition No.E-47/2022, thereby directing the present applicant to pay Rs. 6,000/- per month each, to the respondent nos.1 and 2 towards interim maintenance w.e.f. 31.10.2022.

2. The learned counsel for the applicant submits that the applicant was suffering from acute pain because of the amputation of his right hand from wrist and was required to take rest for a month and, therefore, the delay has occurred.

3. Since the delay is minuscule, for the reasons stated in the Application, the Application is allowed. The delay of 38 days caused in

filing the present Revision is hereby condoned.

CRI.REVISION NO.189/2023.

4. Heard the learned counsel for the applicant.

5. By this Revision, the applicant is challenging the legality and correctness of the order dated 11.04.2023 passed by the learned Judge Family Court, Yavatmal. The non-applicant no.1-wife and the non-applicant no.2 daughter had filed an application (Exh.14) seeking interim maintenance in terms of Section 125 of the Code of Criminal Procedure.

6. The Family Court, Yavatmal, after having heard both the sides and having gone through the material placed before it, has allowed the application to the extent of granting Rs.6,000/- per month each, as interim maintenance, to both the non-applicants.

7. The order has been challenged on the ground that the applicant-husband was not earning at all. The non-applicant no.1, however, had placed on record the copy of the broker license issued by the Agriculture Produce Market Committee, Karanja, in the name of the applicant. The Family Court has noted that the license has been renewed till 31.03.2024. The applicant has admitted before the Family Court that he possesses an agricultural land admeasuring 1.62 acres at village Pora, Tq.Karanja, Dist. Washim. The Family Court has also noted the non-applicant no.1's statement that the applicant herein is running a grocery shop.

8. The Family Court, considering the above status, has refused to accept the plea of the applicant that he is not earning at all. The aforesaid plea was taken by the applicant on the ground of his physical disability. The Family Court, however, noted that the applicant has not

produced any satisfactory medical evidence showing his incapacity or the cause of such disability. Accordingly, the Family Court guessed the income of the applicant to the tune of Rs. 40,000/- and granted the interim relief.

9. I do not find any illegality or perversity in the aforesaid order inasmuch as the applicant does not dispute the relationship. In the circumstances, considering the amount of interim maintenance granted in favour of the non-applicants, the maintenance granted under the order, appears to be reasonable, in the light of the present living expenses.

10. There is, thus, no merit in the Revision Application. The same is rejected.

[ANIL L. PANSARE, J.]

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