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

CRIMINAL REVISION APPLICATION (REVN.) NO. 234 OF 2023

(Suresh s/o Laxshamanrao Khadsan Vs. Sau. Jaya w/o Suresh Khadsan)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri Uttam Chakrawarti h/f Shri S.S. Shingane, Counsel
for the applicant.

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CORAM : ANIL L. PANSARE, J.
DECEMBER 1, 2023.

The applicant/husband has questioned the legality, correctness and propriety of the order dated 18/9/2023 passed by the learned Judge, Family Court, Amravati in Miscellaneous Criminal Application No. E-23/2021 whereby the learned Family Court has granted maintenance in favour of the non-applicant/wife @ Rs.3,000/- (rupees three thousand) per month.

2] The applicant is not willing to pay the aforesaid meager amount of maintenance and has assailed the order in the present revision.

3] I have heard the learned Counsel for the applicant at length and gone through the copy of the impugned order. It appears from the record that the relationship between the parties is not disputed.

4] The learned Counsel for the applicant submits that the non-applicant has herself deserted the applicant. However, he failed to point out from the evidence that such a case has been made out.

5] Perusal of the evidence of wife indicates that she was left with no other alternative but to leave the house. She is somehow managing her livelihood by doing household works in the houses of locality. She has further deposed that the applicant has not extended any financial help nor has he enquired with her as regards her livelihood. She has further deposed that the applicant owns a house, a plot and an agricultural land. In the cross-examination, except for putting suggestions, there is nothing to disbelieve this version.

6] As against this, the evidence of the applicant indicates that his two daughters, aged around 17 and 16 years, are residing with him. The evidence further indicates that the applicant has made an unsuccessful attempt to show that the non-applicant has an extramarital affair with a person named Bandu. He has deposed that he has lodged a report with the Police Station, but copy of the report has not been filed.

7] The applicant has not placed on record the copy of his cross-examination. When enquired, the learned Counsel for the applicant is unable to give satisfactory answer as to why the said copy has not been placed on record. The learned Judge of the Family Court in paragraph 15 of its judgment has noted that the applicant in his cross-examination has admitted that he owns a house and a motorcycle.

8] Thus, it appears that the applicant has sufficient means to maintain his wife. In any case, the amount of Rs.3,000/- is something that is the least that

the husband could pay to his wife as maintenance. There is thus no merit in the application. The same is accordingly rejected.

(ANIL L. PANSARE, J.)

Sumit