



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

Criminal Application (APPR) No. 355 of 2023

in

Criminal Revision Application St. No. 8681 of 2023

[Arshad Baig S/o Khairsalla Baig ..vs.. Aminabi W/o Arshad Baig and anr.]

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

Court's or Judge's orders

Mr. Jafar Ali Asgar Malnas, Advocate for the applicant

CORAM : ANIL L. PANSARE J.

DATED : 1-11-2023

For reasons set out in the application, the
application is allowed. Delay is condoned.

Revision application be registered.

Criminal Revision Application No. 243 of 2023

Heard.

The challenge is to the order dated 6-7-2023 passed below Exhibit 6 by the Family Court, Yavatmal in Petition No. E-78/2022 wherein the learned Family Court has directed the petitioner – husband to pay Rs. 3,000/- per month each to the respondent no. 1 - wife and respondent no. 2 – minor son, as interim maintenance. This order has been challenged on the ground that the learned Family Court has not considered the statement of assets and liabilities filed by the applicant.

Learned counsel for the applicant submits that earning of the applicant is Rs. 200/- to Rs. 300/- per day. He is selling fruits by the side of the road.

The non-applicant – wife, however, argued before the Family Court that he is involved in the business of buying and selling of immovable property and is earning Rs. 60,000/- to Rs. 70,000/- per month.

The Family Court has noted that the applicant herein has suppressed certain vital facts which includes the immovable properties owned by him. It appears that the non-applicant – wife has placed on record 7/12 extract of the agriculture land block No. 54/55/61/14, 70/1/2/55/B, 69/1/2/A/36, 150/1/64, 63/1/B/5, 65/3/102/15 of Village Digras and land block No. 7/3 of Village Chincholi (Khurd), Tq.Digras. The 7/12 extract also indicates that the applicant used to take crops such as Soyabin, Tur and Cotton etc.

The applicant has not disclosed his assets as mentioned above and since he has suppressed the income generated from other assets, to my mind, the Family Court has rightly taken into account the probable income of the applicant and has rightly assessed the amount of interim maintenance by relying upon the judgment of Delhi High Court in the case of ***Bharat Hegde Vs. Saroj Hegde I(2007) DMC 815.***

I do not find any patent illegality in the order impugned. There is no merit in the application. The application is rejected.

(Anil L. Pansare, J.)