



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL REVISION APPLICATION NO. 98 OF 2024

Salma Khan w/o Hamid Khan
Age: 52 years, Occu.: Household,
R/o. V.I.P Lawns, Beside Darulum,
Telgaon Road, Beed,
Tq. & Dist.Beed.

....Applicant

Versus

Hamid Khan s/o Noor Khan
Age: 54 years, Occu.: Business,
R/o. Sadar Bazar, Near Drainage Line,
Ambajogai, Tq.Ambajogai,
Dist.Beed.

....Respondent

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Advocate for Applicant : Ms.Pooja Ingle h/f. Mr. Sudarshan J. Salunke
Advocate for Respondent : Mr.Amol Subhash Gandhi

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 03 DECEMBER, 2024

PRONOUNCED ON : 11 DECEMBER, 2024

ORDER :

1. By instant application prayer is raised to modify the order passed by the learned Judge, Family Court, Beed in Petition No.E-127 of 2021 dated 04-12-2023 granting maintenance to the tune of Rs.3,000/- per month and it is prayed that maintenance amount may be enhanced to Rs.15,000/- per month from the date of filing of said petition.

2. Learned Counsel for applicant submitted that present applicant wife has instituted above referred petition bearing no.E-127 of 2021 by invoking Section 125 of the Code of Criminal Procedure (Cr.P.C.) claiming maintenance to the tune of Rs.15,000/-per month as she was forced to stay separately and there was failure to provide for maintenance. It is submitted that respondent husband is running a Pan Stall and he is also involved in the business of selling of second-hand two wheelers. Therefore, he has sufficient means and income to grant maintenance claimed by revisionist, however, according to learned Counsel, trial Court failed to consider the same and granted meager maintenance of Rs.3,000/- per month and hence, she seeks enhancement in the maintenance amount.

3. While opposing the above application, learned Counsel submitted that only source of income of husband is Pan Stall. He refuted submissions of conducting business of sale of two wheeler vehicles or earning distinct income from the same. He submits that no evidence in that regard has been placed by wife in learned trial Court and therefore, he supports and justifies the quantum awarded by trial Court.

4. After considering the submissions of both the sides, it is emerging that parties got married in 2007. Due to matrimonial discord, applicant wife left respondent husband's company and instituted proceedings before Family Court seeking maintenance to the tune of Rs.15,000/- per month and costs. In support of claim she has placed her affidavit at exh.B and faced cross-examination. Respondent husband also placed on record affidavit of evidence while resisting the claim. Learned trial Court by judgment and order date 04-12-2023 partly allowed maintenance claim petition directing present respondent husband to pay maintenance to the tune of Rs.3,000/- per month and to pay Rs.1,000/- towards costs.

5. On carefully going through the impugned judgment, reasons are found to be assigned from paragraph 7 onwards and cases advanced each of the sides by way of affidavits are appreciated. Learned trial Court has reached to a finding that wife had made out a case for maintenance. Though wife narrated that husband ran Pan Stall and though she alleged that by running business of Chakri Mataka he earned Rs.50,000/- to Rs.60,000/- per month, she could not prove her said assertion. Thus, only aspect that remains undisputed is that husband earns by running Pan Stall. Learned

Counsel for applicant pointed out that said Stall located in a market place. Taking the same into account, the quantum awarded by learned trial Court seems to be just and proper. There is no material from applicant wife's side in support of her claim that respondent husband earns Rs.50,000/- to Rs.60,000/- per month. Consequently, no case being made out for interference, revision application deserves to be dismissed. Accordingly, I proceed to pass following order :

ORDER

Criminal Revision Application No.98 of 2024
stands dismissed.

(ABHAY S. WAGHWASE)
JUDGE