



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

**CRIMINAL WRIT PETITION NO. 679 OF 2023**

**PRASHANT PANDURANG HINGANE**

**VERSUS**

**ADITYA PRASHANT HINGANE**

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Mr. H. P. Jadhav, Advocate h/f Mr. G. B. Kadlag, Advocate for Petitioner  
Mr. Darshan Pokharkar, Advocate for Respondent – sole

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**CORAM : Y. G. KHOBRAGADE, J.**

**DATE : 08.10.2024**

**PER COURT :-**

1. By the present Petition, the Petitioner has challenged the judgment and order dated 24.11.2022, passed by the learned Additional Chief Judicial Magistrate, Sangamner in Criminal M.A. No. 185 of 2017, whereby the learned Court enhanced the maintenance amount to the tune of Rs.10,000/- p.m. from the date of application.

2. The present Respondent is minor, who is the original applicant and the present Petitioner is the original non-applicant in Criminal M.A. No.185 of 2017. For the sake of brevity, the parties to the present Petition are hereinafter referred in their

original capacity as the applicant the minor son and the non applicant father.

3. In nutshell, it is the contention of the applicant minor that the marriage of his parents solemnized on 20.05.2003 and out of their matrimonial relations, he born on 08.05.2005. However, the non applicant, his father, deserted his mother and since then, he is staying with his mother separately due to raising domestic violence against his mother. However, the non applicant failed to maintain him. Since he is a minor and frequently taking medical treatment and taking education, he required maintenance amount. Therefore, he and his mother had filed Criminal M.A. No. 371 of 2010 against the non applicant and had prayed maintenance amount to the tune of Rs.3,000/- p.m. each. On 02.12.2015, the learned trial Court passed an order and granted maintenance of Rs.1,500/- p.m., to the extent of the present applicant minor, however, declined to grant maintenance in favour of his mother. However, due to enhancement of the prices of essential commodities as well as educational expenses, the maintenance amount granted under order dated 02.12.2015, is not sufficient. Therefore, the Applicant has filed Criminal M.A. No.185 of 2017 and prayed for enhancement of maintenance to the tune of Rs.20,000/- per month.

4. Needless to say that, after conclusion of the trial, on 24.11.2022, the learned trial Court passed the impugned judgment and order and enhanced the maintenance amount to the tune of Rs.10,000/- p.m. from the date of the application.

5. The learned Advocate for the Petitioner / original non applicant canvassed in vehemence that, the present Petitioner was met with an accident and his one leg amputated and he had incurred huge expenses for his medication. So also, the Petitioner required to maintain his old age parents. However, the learned trial Court failed to consider this aspect and enhanced the maintenance to the tune of Rs.10,000/- p.m., which is excessive and hence, prayed for quashing and setting aside the same.

6. The learned Advocate appearing for the Petitioner further canvassed that the mother of the present Respondent is working as a Teacher with Zilla Parishad School and earning handsome salary. Therefore, it is equal responsibility of the mother of the Respondent to maintain him. However, the learned trial Court has not considered this factual matrix and passed the impugned order, which is illegal and bad in law.

7. Per contra, the learned Advocate for the Respondent / minor applicant supported the findings recorded by the learned trial Court. It is further canvassed that though the mother of the Respondent is working as a Teacher with the Zilla Parishad, the present Petitioner is also a Teacher and drawing handsome salary to the tune of Rs.72,770/- p.m. Therefore, equally, the Petitioner is also responsible for maintenance of the minor. Therefore, considering expenses for daily needs as well as the educational and medications, the learned trial Court enhanced the maintenance to the tune of Rs.10,000/- p.m. Therefore, prayed for dismissal of the Petition.

8. Needless to say that the Petitioner, the natural father of the Respondent is a Teacher and drawing the salary to the tune of Rs.72,770/- p.m. No doubt, the mother of the Respondent is a Teacher and also drawing salary. However, the Petitioner being a father, is also equally responsible to maintain the Respondent minor. The Respondent has filed evidence affidavit at Exh.17 and stated that he is studying in English Medium School and he required to pay school fees and also required to incur expenses towards clothes, tuition fees etc.

9. In cross examination, it has been brought on record that in first session of fourth standard, he deposited school fees to the tune of Rs.7,100/- and for entire session, he required to pay school fees to the tune of Rs.16,000/- to 17,000/-. Exhibits 28, 29, 33 and 34 proves that the Respondent minor paid Rs.16,000/- to 17,000/- towards school fees. Besides this, the Respondent required to incur expenses towards purchase of books, clothing and other expenses including diet.

10. It is not in dispute that, vide judgment and order dated 02.12.2015, the learned trial Court granted maintenance in favour of the present Respondent @ Rs.1,500/- p.m., when he was five years old and now he is the school going boy. Therefore, considering the monthly income of the Petitioner, the learned trial Court enhanced the maintenance amount to the tune of Rs.10,000/- p.m., which does not appear exorbitant and the findings recorded by the learned trial Court does not appear perverse. Therefore, **the Writ Petition is hereby dismissed.**

[ Y. G. KHOBRAGADE, J. ]