



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

CRIMINAL WRIT PETITION NO. 1491 OF 2024

**NILESH ATMARAM MALI AND OTHERS
VERSUS
NITA @ NIKITA W/O NILESH MALI AND ANOTHER**

....
Mr. Yogesh K. Bobade, Advocate for the Petitioners

....

CORAM : Y. G. KHOBRAGADE, J.

DATE : 14.10.2024

PER COURT :-

1. Heard the learned Advocate for the Petitioners at length.

2. By the present Petition, the Petitioners have invoked the jurisdiction of this Court under Article 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure and challenged the judgment and order dated 02.03.2024 passed by the learned Sessions Judge, Dhule, in Criminal Appeal No.41 of 2011, arising out of the judgment and order dated 18.04.2011 passed by the learned J.M.F.C. Shirpur, District Dhule, whereby

the present Respondent, the wife of Petitioner No.1 was granted maintenance amount to the tune of Rs.1,000/- p.m., and maintenance amount of Rs.500/- p.m., to Respondent No.2.

3. Being aggrieved by the said order, the Respondent filed Appeal bearing No.41 of 2011 and prayed for enhancement of the maintenance. On 31.10.2018, the learned appellate Court passed the impugned order and enhanced the amount of maintenance to the tune of Rs.9,000/- p.m. for Respondent No.1 and Rs.3,000/- p.m. for Respondent No.2 from the date of appeal i.e. 16.05.2011.

4. Needless to say that the present Petitioner No.1 is the Civil Assistant Engineer and drawing the gross salary of Rs.29,576/- p.m. In the case of ***Kalyan Dey Chowdhary Vs. Rita Dey Chowdhary Nee Nandy, 2017(14) SCC 200***, wherein, the Hon'ble Apex Court considered the case of ***Kulbhushan Kumar Vs. Raj Kumari, (1970) 3 SCC 129*** and held that the wife is entitled for alimony / maintenance of 25% of her husband's income. In the case in hand, the present Petitioner, who is a public servant and now drawing the salary under the 7th pay commission, which is more than the salary which has been shown for the month of February 2018. Therefore, considering the

hike of prices of essential commodities, the enhanced amount of maintenance granted by the learned Additional Sessions Judge, Dhule, does not appear illegal, bad in law and therefore, no interference is called at the hands of this Court. Therefore, **the Writ Petition is dismissed.** No costs.

[Y. G. KHOBRADE, J.]

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