



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

917 CRIMINAL WRIT PETITION NO. 1492 OF 2019

Amol S/o. Babasaheb Jarange

VERSUS

Swati W/o. Amol Jarange and another

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Advocate for the Petitioner : Mr. Navin Shah h/f Mr. S. V. Natu

Advocate for Respondents : Mr. U.S. Mote

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**CORAM : SHIVKUMAR DIGE, J.**  
**DATED : 24<sup>th</sup> JULY, 2024.**

**PER COURT :-**

1. The petitioner has challenged the order dated 10.7.2019, passed by the learned Sessions Judge, Beed in Criminal Revision Application No. 63 of 2018, thereby enhancing the maintenance amount from Rs.7500/- to Rs.10,000/- p.m. to the respondents.

2. It is the contention of the learned counsel for the petitioner that the learned Court below failed to consider that the respondent has not adduced any evidence in support of her claim i.e. the income of the petitioner. Learned counsel further submitted that monthly income of the petitioner is Rs.30,000/- and his parents are solely dependent on him. Therefore, he is not in a position to pay Rs.10,000/- p.m. to the respondent as maintenance. Learned counsel further submitted that after deducting the various

installments, the petitioner gets an amount of Rs.11,000/- which is insufficient in the background of responsibility of the petitioner. Learned counsel further submitted that the petitioner's parents, grand parents and his younger brother are dependent on the income of the petitioner. Learned counsel further submitted that respondent No.1 is not staying with the petitioner without any reasonable ground. But these facts are not considered by the court below and requested to allow the writ petition.

3. It is the contention of the learned counsel for the respondent that the petitioner is a teacher serving in Government aided school. At present the petitioner is getting the salary of Rs.81,898/- p.m. Respondent No.1 has no source of income. She stays with respondent No.2 who is 12 years old daughter taking education. Respondent has to bear educational and medical expenses of respondent No.2. She has to pay her tuition fee and other expenses. In fact, the respondent was planning to file application for enhancement of maintenance amount but the respondent do not want to prolong the matter and hence, she has not filed the application for further enhancement of maintenance amount. The amount granted by the trial court is proper. The learned Sessions Court has passed a reasoned order. No interference is warranted in it and requested to dismiss the writ petition.

4. I have heard both the learned counsel. Perused the impugned order passed by the Sessions Court and the trial court. The trial court has awarded the maintenance of Rs.7,500/- to the respondent. The Sessions Court has increased it to Rs.10,000/- p.m. It is the contention of learned counsel for the petitioner that the petitioner has other responsibilities, hence he is not in a position to pay Rs.10,000/- p.m. as maintenance to the respondent. In my view, the petitioner is a teacher in a Government aided school and at present he is getting the salary of more than Rs.80,000/- p.m. The respondent No.1 is a lady without any source of income. She has to take care of respondent No.2, who is 12 years old daughter. She has to bear her educational and other expenses. The Sessions Court has considered all these facts and on that basis the Sessions Court has enhanced the maintenance amount of Rs.7,500/- to Rs.10,000/- for both the respondents, which is proper. No interference is warranted in the order passed by the Sessions Court and I pass the following order.

#### O R D E R

The writ petition is dismissed.

**(SHIVKUMAR DIGE, J.)**