



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

998 CRIMINAL REVISION APPLICATION NO. 299 OF 2023

NAMDEV KISAN UBALE
VERSUS
MRS. MEERA NAMDEV UBALE

...

Advocate for Applicant : Mr. Vasant Shrawan Borkar.

Advocate for Respondent : Mr. Sayyed Tauseef Yaseen.

...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 21st March, 2024.

P.C.:

1 This criminal revision application is directed against the order dated 5th August, 2023 passed by the learned Judge, Family Court, Aurangabad in Petition No. E-4 of 2017. It is averred in this revision application that the respondent is having independent source of income i.e. she had given a part of house on rent, which is owned by this applicant and she is getting Rs.15,000/- per month rent. Therefore, it is not proved that she has no source of income.

2 The learned counsel for applicant pointed out the impugned order, in which it is mentioned that the respondent is having independent source of income of Rs.15,000/- as rent. The learned counsel for applicant submitted that the applicant is not having source

of income, now his licence of engineering is not renewed and therefore, he cannot pay the maintenance. He lastly prayed to set aside the impugned order.

3 The learned counsel for respondent strongly opposed the revision application and submitted that the revision application is devoid of merits and the reasons of the Trial Court are most cogent and the Trial Court has held that rent amount is not sufficient. It is also held that the applicant is a civil engineer and therefore, there is no substance in the grounds of objection of this revision application.

4 Perused the impugned order and the documents filed on record. In the reasoning part of the impugned order, the Trial Court has observed that though the respondent/wife is getting monthly rent of Rs.15,000/- i.e. not sufficient amount to maintain herself. It is further observed that the applicant is having engineering licence, however, he is avoiding to pay the maintenance. These reasons are found legal and correct on the fact and in the law also. There is no substance in the grounds of objection of this revision. The revision application deserves to be dismissed with costs, which must have incurred by this respondent while facing this criminal revision application. Hence, the following order:

ORDER

- I. The criminal revision application is dismissed.
- II. The applicant shall pay costs of Rs.5,000/- to the respondent. If the costs is not deposited in the Trial Court, the respondent is at liberty to proceed for its recovery.

[SANJAY A. DESHMUKH, J.]

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