



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

1005 CRIMINAL WRIT PETITION NO. 1850 OF 2019

NITESH S/O. KACHRU MAGAR
VERSUS
PRIYA W/O. NITESH MAGAR AND ANOTHER

...
Advocate for the Petitioner : Mr. Dhage Vaibhav B.
Advocate for Respondent nos.1 and 2 : Ms.Mapari Savita G.

...
CORAM : **SHIVKUMAR DIGE, J.**
DATE : 25th July, 2024.

P.C.:

1. By this writ petition, the petitioner is challenging the judgment and order dated 18th February, 2019 passed by the Family Court, Latur in Petition No.E 31 of 2018.
2. It is contention of the learned counsel for the petitioner that respondent no.1 wife of petitioner had filed application under section 125 of the Criminal Procedure Code seeking maintenance. The respondent No.2 is a daughter. The learned counsel further submitted that the petitioner is unemployed and he is not in position to give the maintenance to the respondents. Evidence was produced in that regard before the Family Court, but it has not been considered and the Family Court has passed the order to pay maintenance of Rs.5,000/- to respondent no.1 and Rs.3,000/- to respondent no.2, which is erroneous, hence requested to allow the petition.
3. It is contention of the learned counsel for respondent nos.1 and

2 that father of the petitioner was serving in Public Works Department. The petitioner's qualification is Master of Engineering. The petitioner is serving in a private company at Solapur and draws salary of Rs.25,000/- to Rs.30,000/- per month and his father earns Rs.35,000/- per month. Learned counsel further submitted that the respondents had prayed maintenance of Rs.10,000/- each to the respondents before the Family Court, but considering the evidence on record, the Family Court has allowed the maintenance of Rs.5,000/- to respondent no.1 and Rs.3,000/- to respondent no.2. The learned counsel further submitted that respondent no.2 is 9 years old. Respondent no.1 has no source of income. She has to bear the educational expenses and other expenses of the respondent no.2. The order passed by the Family Court is legal and valid. No interference is called in it, hence requested to dismiss the writ petition.

4. I have heard both the learned counsel. Perused the impugned judgment and order passed by the Family Court.

5. While passing the order, the Family Court has observed that the petitioner is Engineer and serving in Private Company at Solapur. He earns more than Rs.25,000/- per month. On that basis, the Family Court has granted maintenance of Rs.5,000/- to respondent no.1 and Rs.3,000/- to respondent No.2. I do not find infirmity in it. In my view, considering the present inflation rate the maintenance amount awarded by the Family Court is on lower side. The Respondent no.1

has no source of income. She has to maintain respondent no.2 who is 9 years old daughter. She has to bear educational expenses and other expenses of respondent no.2 and herself. It is difficult to maintain family of two person in meager amount of Rs.8,000/-. Considering these facts, I do not find any infirmity in the order of the Family Court and I pass the following order :-

ORDER

- (i) The Writ Petition is dismissed.

[SHIVKUMAR DIGE, J.]

sga