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IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO.15 OF 2024

RAJESH YESHWANT BALE ALIAS BALO ... PETITIONER
Versus
RITU RAJESH BALE ALIAS BALO AND ... RESPONDENTS
ANR

Mr. Ashwin D. Bhobe with Ms. Ashwini Bandekar, Advocates for the Petitioner.

Ms. Gautami Kamat, Advocate for Respondent No. 1.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 30th July, 2024

P.C.

Heard Mr. Bhobe for the Petitioner and Ms. Kamat for Respondent No. 1.

2. The order which is proposed to be passed, need no further consideration or arguments since it is apparently clear from the order passed by the Revisional Court that no material was placed before the learned Magistrate as well as before the Revisional Court claiming enhancement of the maintenance.

3. Mr. Bhobe would submit that the Petitioner, though working abroad, is earning around Rs.45,000/- per month. For that purpose, Mr. Bhobe submits that the salary certificate is produced at page 194

of the Petition.

4. The learned Revisional Court enhanced the interim maintenance from Rs.5,000/- to Rs.65,000/- per month. The contention of Respondent No. 1 before the learned Magistrate for enhancement of the interim maintenance was rejected on the ground that there is no material to show the salary or the income of the Petitioner. However, the Revisional Court without considering the documents or the income of the Petitioner, enhanced it to Rs.65,000/- per month on only surmises and conjectures.

5. The Petitioner is at liberty to produce his salary certificate before the Revisional Court so that such Revision could be decided entirely after hearing the parties.

6. The impugned order passed by the learned Revisional Court dated 30.10.2023 is therefore, quashed and set aside. The matter is remanded to the Revisional Court to decide it afresh while giving opportunity to both the sides. The Petitioner is permitted to place his salary certificate with an affidavit annexed to it for the purpose of considering the claim for enhancement of interim maintenance.

7. The amount deposited by the Petitioner before this Court shall be transferred to the learned Revisional Court so that after deciding the Revision, the amount which is already paid by the Petitioner and

deposited with this Court could be adjusted.

8. It is needless to mention that the Revisional Court shall decide such Revision as expeditiously as possible and preferably within a period of three months. Parties shall co-operate with the Revisional Court in disposing of the matter within the time bound framed. Parties shall appear before the Revisional Court on 13.08.2024. The Revisional Court shall decide the said Criminal Revision Application No. 45 of 2023 preferably within a period of three months from 13.08.2024.

9. The present Revision accordingly stands disposed of with above directions.

BHARAT P. DESHPANDE, J.