



Diksha Rane

27.ia.3237-23.doc

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL REVISION APPLICATION ST. NO.14870/2023
(NOT ON BOARD; TAKEN ON BOARD)
WITH
INTERIM APPLICATION NO.3237/2023
IN
CRIMINAL REVISION APPLICATION ST. NO.14870/2023**

ABHISHEK SANJAY THAKUR ..APPLICANT
VS.
MONIKA ABHISHEK THAKUR ..RESPONDENT

Adv. Sunil R. More i/b. Adv. Rakhee V. Gadankush for the
applicant.
Ms. S. D. Shinde, APP for the State.
Adv. Vaibhav S. Parab a/w. Adv. Nilesh Chavan i/b. Adv.
Saurabh More for the respondent no.2.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 7, 2024

P.C. :

- 1.** Heard learned counsel for the applicant husband and learned counsel for the respondent wife.
- 2.** The applicant husband is challenging the order dated 27/4/2023 and also the order dated 12/10/2023. The respondent wife filed an application before the Metropolitan Magistrate, 25th Court, Mazgaon, Mumbai, claiming reliefs under Sections 19, 20 and 22 of the Protection of Women from Domestic Violence Act against the applicant husband.

The respondent wife claimed interim maintenance, rent and interim compensation from the husband. The applicant husband is working as a driver. The respondent wife though qualified is not employed and without any source of income.

3. By the order dated 12/10/2021, the trial Court directed the applicant husband to pay interim maintenance of Rs.5,000/- per month to the respondent wife from the date of main application. Aggrieved by the order dated 12/10/2021 passed by the Metropolitan Magistrate, the respondent wife filed Criminal Appeal before learned Sessions Court, Mumbai which was decided by an order dated 27/4/2023. The appellate Court enhanced the interim maintenance amount from Rs.5000/- per month to Rs.8000/- per month from the date of the main application.

4. I have gone through the reasons recorded by the appellate Court in paragraphs 9 and 10. The appellate Court for the purpose of coming to the conclusion that Rs.8000/- should be the amount of interim maintenance, considered that the husband is working with UBER India Systems Pvt. Ltd. wherein the records indicate that the amount generated from rides taken for a period of 48 months is to the tune of

Rs.15,42,536. The estimated monthly payment to the driver partner is shown with a response of Rs.32,136/-. The husband's response is that the said company under which he works is a travel agency under the partnership, run by Santosh Kushwah and Amit Chavan and therefore, the amount shown to the tune of Rs.32,000/- is accordingly divided and the husband receives income of Rs.10,000/- per month. The appellate Court was of the opinion that the monthly payment to the driver partner is specifically stated to be Rs.32,136/-. In such view of the matter, considering that the amount of Rs.5000/- in a city like Mumbai is meager, the appellate Court has held that the interim maintenance amount is required to be enhanced to Rs.8,000/-. I see no reason to interfere with the impugned order. I do not find any perversity with the impugned order. Consequently, the criminal revision application is dismissed.

5. Learned counsel for the applicant husband disputed the calculations and balance arrears as indicated by the trial Court. The applicant husband is at liberty to place his calculations before the trial Court. The trial Court may re-examine the aspect of arrears of maintenance after hearing

the applicant husband and the respondent wife.

- 6.** For a period of four weeks from today the order dated 27/4/2023 of the Sessions Court not to be executed.
- 7.** The Criminal Revision Application is disposed of
- 8.** The Interim Application is also disposed of.

(M. S. KARNIK, J.)