

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIM. REVISION APPLICATION NO. 93 OF 2024

[E-filing]

Ganesh Bhaskar Kamble.

...Applicant.

Versus

Pratibha Ganesh Kamble and Others.

...Respondents.

Mr. Nikhil Pawar for the applicant.

Coram : Sharmila U. Deshmukh, J.

Date : February 12, 2024.

P. C. :

1. The present revision application takes exception to the order dated 25th August 2023 passed by the appellate Court partly allowing the appeal and granting a sum of Rs.3,000/- to the respondent – wife as interim maintenance.

2. Application under section 12 of the Protection of Women from Domestic Violence Act, 2005 came to be filed by the respondent – wife seeking various reliefs including monetary relief under section 20 of the DV Act. The application was rejected by the trial Court for the reason that *prima facie*, no case of domestic violence is made out and secondly that for the period from November 2018 to September 2022,

no application was moved and as such the respondent-wife was capable of maintaining herself.

3. As against the order of trial Court dated 13th March 2023 rejecting the application, appeal being Criminal Appeal No. 11 of 2023 came to be filed by the respondent-wife. Upon consideration of pleadings, the appellate Court came to a *prima facie* finding that the case of domestic violence is made out. The appellate Court also considered that as regards respondent no.2, the revision applicant not being a biological father, he is not liable to pay maintenance towards respondent no.2. The appellate Court took into consideration the income of applicant and granted a sum of Rs.3,000/- per month towards the interim maintenance of respondent-wife.

4. Having regard to the fact that interim maintenance has been granted and considering the quantum of maintenance granted, I am not inclined to interfere with the impugned order. Revision application is dismissed.

[Sharmila U. Deshmukh, J.]