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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 506 OF 2017**

Mr. Shekhar Viswanath SuvarnaApplicant

Vs.

Mrs. Pushpa Shekhar Suvarna and anrRespondents

**WITH
INTERIM APPLICATION NO. 2481 OF 2024
IN
CRIMINAL REVISION APPLICATION NO. 506 OF 2017**

Mrs. Pushpa Shekhar SuvarnaApplicant

Vs.

Mr. Shekhar Viswanath SuvarnaRespondent

Mr. G. K. Jadhav for the applicant in Revision Application and for respondent in Interim Application

Mr. J. B. Mishra a/w Mr. Ashutosh Mishra for the respondent in in Revision Application and for applicant in Interim Application

CORAM : GAURI GODSE, J.

DATE : 13th SEPTEMBER 2024

ORDER:

1. This application is preferred by original respondent challenging the order of interim maintenance passed in favour of present

respondent and two minor children in the proceedings initiated under The Protection of Women from Domestic Violence Act, 2005 ('DV Act'). Learned Magistrate passed an order directing the present applicant to pay an amount of Rs. 12,000/- per month for the respondent and two minor children. Said order is confirmed by the Sessions Court.

2. Learned counsel for the applicant submits that the applicant's salary is only Rs. 7,000/- per month. To support his submissions, he relies upon the certificate issued by the applicant's employer which is annexed at page 37. He submits that the salary considered in the impugned order is not a monthly salary, but the yearly salary. He therefore submits that the impugned order be modified and the amount of interim maintenance be reduced.

3. Learned counsel for the respondent submits that the applicant's monthly salary is Rs. 36,380/- excluding other allowances and conveyances. He submits that the salary slip was placed on record before the Court. He submits that after considering the salary slip and the statements made on behalf of the present applicant, the impugned order was passed directing the applicant to pay the amount of Rs. 12,000/-. He submits that the amount granted by way of impugned

order is a minimal amount. He further submits that at the time of issuing notice, this Court had directed the applicant to pay the arrears towards the interim maintenance at the rate of Rs. 5,000/- per month. He submits that even the said amount is not paid by the present applicant. Learned counsel for the respondent submits that applicant is in arrears of an amount of Rs. 2,62,000/- as on date. He submits that hence, respondent has filed Criminal Interim Application No. 2481 of 2024 for vacating the interim relief.

4. I have perused the papers of the application. Both the Courts have accepted the applicant's monthly salary as Rs. 36,380/- based on the documents on record. Both the Courts have arrived at an opinion that Rs. 12,000/- per month is an appropriate amount towards maintenance towards the respondent and two minor children. The certificate relied upon by the applicant does not clearly indicate that the amounts stated in the certificate is yearly amount. The main proceedings under DV Act are still pending. This revision application arises out of an order for interim maintenance.

5. Admittedly, the applicant has failed to comply with the directions issued by this Court at the time of granting stay to the execution of the impugned order. The conduct of the applicant shows that only to

protract the proceedings and avoid making payment towards interim maintenance, this revision application was filed. There is no illegality or perversity in the reasons recorded in the impugned order. The impugned order is by way of interim maintenance and the main proceedings are still pending. Hence, there is no reason to interfere in the impugned order. Revision application is devoid of any merits.

6. Hence, revision application is dismissed.

7. In view of dismissal of revision application, Interim Application No. 2481 of 2024 is disposed of as infructuous.

[GAURI GODSE, J.]