



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

CRIMINAL REVISION APPLICATION NO. 90 OF 2022

APPLICANT : Amol S/o. Gajanan Daberao, Aged
about 30 Years, Occ. Service, R/o.
Quarter No. P-110/E, Vahan Nagar,
Ahmednagar, Tahsil & District
Ahmednagar.

//VERSUS//

NON-APPLICANT : Sou. Amruta Amol Daberao, Aged
about 28 Years, Occ. Housewife, R/o.
C/o. Subhash Pralhad Daberao,
Mhada Colony, Kaulkhed, Gandhi
Nagar, Akola, Tahsil & District
Akola.

Mr. S.K. Hatwar, Advocate for the Applicant.

Mr. S.K. Wankhade, Advocate with Mr. M.A. Vishnu, Advocate
for the Non-applicant.

CORAM : G. A. SANAP, J.

DATED : 27th JUNE, 2024.

ORAL JUDGMENT

. Heard finally with the consent of learned advocates for
the parties.

02] ADMIT.

03] In this revision application, challenge is to the order dated 19th March, 2022, passed by the learned Judge of the Family Court, Akola, whereby the application made by the non-applicant/ wife for interim maintenance was allowed and the applicant/husband has been directed to pay the interim maintenance @ Rs.15,000/- per month from the date of the application i.e. 14th January, 2020.

04] It is the case of the wife that she has been residing separately from the husband at Akola. She has no source of income. She is unable to maintain herself. The husband has not made any provision for her maintenance. The wife, therefore, filed an application under Section 125 of the Code of Criminal Procedure, 1973, for maintenance. During the pendency of this application, she made an application for interim maintenance.

05] The said application was opposed by the husband. He has denied the material facts pleaded in the said application. He has denied his income etc.

06] It appears that, before passing the order, the direction was issued to the parties to file on record the statement of their assets and liabilities. It was filed. The husband is doing service. The

evidence placed before the learned Judge established that his gross salary is Rs.60,000/-, and after deduction, he is getting Rs.33,000/- per month. Undisputedly, the father of the applicant is doing service. The learned Judge has taken all these facts into consideration to quantify the interim maintenance. On going through the record and proceedings, I am satisfied that the order granting interim maintenance is just and proper.

07] The order, in my view, may require modification on the point of quantum of maintenance from the date of the application till the date of the decision of the application. Learned advocate for the applicant submitted that there was a deliberate delay on the part of the non-applicant to prosecute the application for interim maintenance. In the facts and circumstances, the Revision Application is **partly allowed**.

i] The order granting interim maintenance is maintained. However, the quantum of maintenance from the date of the application till the date of the decision of the application is modified.

ii] Accordingly, the applicant/husband is directed to pay Rs.10,000/- (Rs. Ten Thousand) per month from the date of the

application i.e. 14th January, 2020 to 19th March, 2022. He shall pay interim maintenance @ Rs.15,000/- (Rs. Fifteen Thousand) per month from the date of the decision of the application i.e. 19th March, 2022 during the pendency of the maintenance application.

iii] The applicant/husband shall clear all arrears within four weeks from today.

iv] The non-applicant/wife is allowed to withdraw the amount of maintenance deposited in this Court.

v] The Revision Application stands disposed of in the above terms.

(G. A. SANAP, J.)

Vijay