



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL WRIT PETITION NO. 249 OF 2025

Mohd. Farukh S/o. Gulam Mohd.

Vs.

Naziya Mohd. Farukh

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Salim I. Khan, Advocate for petitioner.

CORAM :- M. W. CHANDWANI, J.

DATED :- 28.04.2025

Heard.

2. The learned Judicial Magistrate First Class, Ashti vide order dated 23.06.2014 granted maintenance of Rs.5,000/- per month to the divorced wife of the petitioner and Rs.25,000/- compensation towards mental torture and emotional distress apart from Rs.2,000/- towards costs in Domestic Violence proceedings bearing Cri. M.A. No. 36/2013 filed by her. Criminal Appeal No. 16/2014 came to be filed by the petitioner under Section 29 of the DV Act wherein the amount of maintenance was reduced to Rs.4,000/- per month.

3. The contention is that the Appellate Court though right in granting the maintenance but, the maintenance is granted from the date of the application. It is also one of the contentions that the respondent/wife

herself left the society of the petitioner therefore, she is not entitled for maintenance.

4. It is a matter of record that in the divorce petition filed by the wife against the petitioner, a decree of divorce came to be passed on the ground of cruelty and the Competent Court has given findings that the wife was subjected to cruelty at the hands of the petitioner which attained finality. Therefore, it cannot be said that the wife without sufficient reasons was residing separately. So far as the submission regarding grant of maintenance from the date of the application is concerned, it has been found by the Trial Court that the petitioner did not provide maintenance amount because she is residing separately. Therefore, I feel that the Trial Court was completely justified in passing the order of grant of maintenance from the date of application.

5. There is no substance in the petition and hence, it is dismissed.

(M. W. CHANDWANI, J.)