
(2013) 02 BOM CK 0028
In the Bombay High Court
Case No : Criminal Revision No. 66 of 2012

Chandrashekhar

APPELLANT

Vs

Sau. Madhuri Chandrashekhar Raut

RESPONDENT

Date of Decision : 15-02-2013

Acts Referred:

Citation : (2013) ALLMR(Cri) 2719

Hon'ble Judges : M.L. Tahaliyani, J

Bench : Single Bench

Advocate : J.Y. Ghurde, for the Appellant; A.S. Chandurkar, for the Respondent

Judgement

M.L. Tahaliyani, J.—Heard learned Counsel Mr. J.Y. Ghurde for the applicant and learned Counsel Mr. A.S. Chandurkar for the non-applicant. During the course of hearing of the application, this Court tried to ascertain from the record as to what was the monthly income of the applicant on the date when the matter was decided by the Family Court. Neither of the learned Counsel could show me that any evidence was led before the Family Court with regard to income of the applicant.

2. I have gone through the impugned judgment and order, particularly para Nos. 19 & 24. It is seen that the Family Court has not taken necessary steps to ascertain as to what was the definite income of the applicant. In the circumstances, it is necessary that the matter shall be remanded back to the Family Court for allowing both the parties to adduce evidence in respect of monthly income of the applicant so that the Family Court can come to a definite conclusion as to the monthly income of the applicant. It will help the Family Court to decide the quantum of maintenance to be provided to the non-applicant. It is made clear that rest of the findings are not being disturbed by this Court.

3. In view of what has been stated by me herein above, the matter is remanded back to the Family Court. The Family Court is directed to allow both the parties to adduce evidence in respect of monthly income of the applicant. This exercise

may include recording of further evidence of the applicant and the non-applicant. After completion of this exercise of receiving evidence in respect of monthly income of the applicant, the Family Court shall decide the quantum of maintenance to be provided to the non-applicant. The Family Court should take decision within a period of one month from the receipt of this order. The applicant shall continue to pay the maintenance to the non-applicant as per the order dated 24-2-2012 passed by the Family Court till the fresh order is passed by it.