

Mangesh Vs. Shalini and Another

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Court : Mumbai Nagpur

Decided On : Jul-11-2016

Judge : S.B. Shukre

Appeal No. : Criminal Revision Application No. 159 of 2015

Appellant : Mangesh

Respondent : Shalini and Another

Judgement :

Oral Judgment:

1. Heard. Admit. There is no need to call for record and proceedings as the relevant documents are already annexed to this revision application.
2. Heard finally by consent of parties.
3. Learned counsel for the applicant submits that the impugned order is erroneous and has been passed in breach of settled principles of law. He submits that the learned Principal Judge of the Family Court has not at all considered appropriately the evidence brought on record by the applicant regarding income being earned by respondent No.1. He also submits that it is well settled law that when wife has been shown to be earning income, sufficient to maintain herself, she ought to be held as not entitled for maintenance. In support, he referred to me a judgment rendered by the learned Single Judge of Patna High Court in the case of Dinesh

Sharma v. Rupa Rani Sharma reported in 2013 Cri.L.J. 469.

4. Learned counsel for the respondents submits that the impugned order is neither erroneous nor perverse and, therefore, no interference is called for.

5. On going through the impugned order and on perusal of the documents annexed, I find that there is no merit in the argument of learned counsel for the applicant. It is true that a wife, who has been shown to be earning sufficient income, is not entitled for maintenance as held in the case of Dinesh Sharma, supra. In the instant case, the facts show it to be otherwise. Here, the learned Principal Judge has considered properly the evidence available on record and has found that respondent No.1 has been earning nominal income of just about Rs.700/- per month from her agency of L.I.C. Policy. It is an admitted fact that respondent no.1 is not having a permanent job and is dependent upon the insurance policies being obtained from her by various customers of Life Insurance Corporation of India. Some times she may get good business and some time not, and that is the reason why on the basis of the facts placed on record the learned Principal Judge has calculated the income of respondent No.1 to be of about Rs.700/- per month. With such an income and with a growing daughter, who is receiving education in a convent school, any wife would be looking upon her husband to provide some succor to herself and to her daughter. On the other hand, the applicant is having a permanent job with a private company where he is working as Senior Supervisor (Accounts). His salary has been considered by the learned Principal Judge and taking into account the same, the learned Principal Judge has quantified monthly maintenance amount to be of Rs.3,000/- for respondent No.1 and Rs.1,000/- for respondent No.2. No impropriety or illegality in such a quantification or the approach adopted by the learned Principal Judge could be found. There is no merit in this revision and it deserves to be dismissed.

Revision application stands dismissed.

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