

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, SATARA

DIST. SATARA

(Presided over by D. L. Nikam, Addl. Sessions Judge, Satara)

PWDVA CRIMINAL APPEAL NO. 09 OF 2024

CNR NO. MHST010006532024

Dilip Sahadev Shewale,

Age: 55 yrs., Occupation: Nil

R/o. Sherewadi, Post: Jinti, Tal. Karad, Dist.
Satara.

Appellant

Versus

1. **Rupali Balaso Jagdale, who supposed
herself as: Sou.Rupali Dilip Shewale**
Age – 35 yrs., Occupation: Service

Respondents

2. **Akshata Dilip Shewale,**
Age – 20 yrs., Occupation: Education

3. **Shena Dilip Shewale,**
Age – 18 yrs., Occupation: Education

**Nos.1 to 3 R/o. C/o. Dilip Sahadev
Shewale,
Anil Patil Chawl, Jay Mahakaleshwar
Nagar Smashan Bhoomi Road, Chawl No.2
Room No.2 Atali village, Tal.Kalyan, Dist.
Thane.**

4. **State of Maharashtra.**

Appearance :-

Mr. D.K.Patil, learned Advocate for Appellant.

ORDER BELOW EXH.5

(**Passed on : 18th day of June, 2024**)

1. Perused application and heard Ld.Advocate Shri.D.K.Patil for appellant. Perused documents placed on record.
2. Through this application, the appellant is seeking to stay the impugned order passed by Ld. J.M.F.C. Satara on 09/01/2024 in Criminal Misc. Appln. No. 262/2023. Through the impugned order, Ld. Trial Court has ordered the appellant to pay Rs.3000/- per month to respondent-wife and Rs.4000/- to their two daughters, from the date of this application.
3. Ld.Advocate Shri.Patil has argued that the appellant is jobless and doing nothing. He is hardly able to earn for his livelihood. There is good ground for the appellant for success in this appeal. Therefore, the impugned order may be stayed till the decision of this appeal.
4. As per respondent-wife, her marriage is still in existence, whereas according to appellant, their marriage is not in existence since 29/01/2021. In this regard, I have gone through the impugned order. The trial court has observed that the appellant-husband is earning Rs.500/- per day through labour work. As such, he is earning Rs.15,000/- per month and therefore he can easily pay Rs.3000/- to his wife and Rs.4000/- to their two daughters. At this juncture, it is not disputed that present appellant and respondent are having two daughters. Their two daughters are totally on the mercy of earning father i.e. present

appellant. Though the appellant has preferred an appeal against this order, it would be just to stay the order only if the appellant pays at least 1/2 of the ordered amount. Hence, the order.

ORDER

Application is allowed to the extent that appellant should pay at least ½ of the ordered amount.

(Dictated in the open Court)

Place :- Satara

Date :- 18.06.2024

(D. L. Nikam)

**Additional Sessions Judge,
Satara.**