

Premlata Sahai

Vs

Ram Niranjana Sahai and Others

Criminal Appeal No. 567 of 1988

(M. P. Thakkar, B. C. Ray JJ)

26.10.1988

ORDER

1. Special leave granted. Heard both the sides.

2. The High Court should have shown better awareness of the plight of women and should not have interfered with an order of maintenance passed in favour of the wife by the trial court in exercise of its revisional jurisdiction. There was no warrant for reducing the amount of maintenance awarded by the trial court from Rs. 400 per month to Rs. 350 per month. So also, the High Court should not have modified the order of the trial court by directing that maintenance should be paid from the date of the order of the trial court (May 10, 1983) instead of the date of application (September 7, 1979). We accordingly allow this appeal, set aside the order of the High Court and restore the order passed by the trial court directing payment of monthly allowance at Rs. 400 per month from the date of application viz. September 7, 1979. Payment of arrears shall be made latest by March 31, 1989, failure to do so will amount to contempt of this Court. There will be no order as to costs.

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