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## Prove cruelty to get maintenance: HC

**Kartikeya**

**Mumbai:** Justice VR Kingaonkar of the Bombay high court ruled this week that a husband did not have to pay maintenance to a wife who had left her matrimonial home alleging cruelty and harassment but could not prove the same before a magistrate.

The order came after the court heard the plea of Sanjay Bhosale (35), a ward boy at Pune's Yerwada Mental Hospital whose wife, Khristina, left him within five months of their wedding in May 1998, alleging that Bhosale was a drunkard who often beat her up and demanded gifts. Khristina had even said that she "apprehended danger to her life" in his house and could not live with him any longer.

Khristina had filed for a separate monthly maintenance allowance of Rs 1,500 under Section 125 of the Criminal Procedure Code. Her plea was first turned down by a magistrate but a sessions court awarded her a monthly allowance of Rs 700 rupees. Bhosale took the matter to the high court, saying that he had not treated Khristina cruelly and that she had left him of her own will, and therefore he should not be asked to pay any maintenance.

Justice Kingaonkar, who heard Bhos-

ale's plea, observed that Khristina had not produced any documents nor were there any witnesses in court to support her claims that she had lodged a police complaint against Bhosale and written to her father about the cruel treatment she was suffering at his hands.

On the other hand Bhosale brought two neighbours to court—Shubhangi and



Bashid—as defence witnesses who testified that he was "not addicted to any vice" and that they had never seen him quarrel with Khristina. Bhosale also told the high court that he had been granted restitution of conjugal rights by a family court in 2003 which noted that Khristina had "withdrawn from society without any reasonable excuse".

The judge, after going through the evidence, considered that Khristina could have him "under the burden of domestic chores" and the family court had also said she was "guilty of deserting Bhosale without any reasonable excuse". He observed that it was only Khristina's word that she had been treated badly by Bhosale, and it could not be taken as the "gospel truth" in the absence of other evidence. He said though Khristina could keep the money that Bhosale had already given her, he did not need to pay her maintenance any longer.