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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL REVISION APPLICATION NO.237 OF 2019

1. Janabai Laxman Dawkhar
 2. Sushila Laxman Dawkhar
- APPLICANTS

VERSUS

Deepak Laxman Dawkhar

....RESPONDENT

.....

Mr Navin S. Shah, Advocate h/f Mr R. B. Narwade Patil, Advocate for Applicants

Mr Rahul B. Temak, Advocate for Respondent

AND

CRIMINAL REVISION APPLICATION NO.295 OF 2019

Deepak Laxman Davkhar

....APPLICANT

VERSUS

1. Smt. Janabai Laxman Davkhar
 2. Smt. Sushila Laxman Dawkhar
- RESPONDENTS

.....

Mr Rahul B. Temak, Advocate for Applicants

Mr Navin S. Shah, Advocate h/f Mr R. B. Narwade Patil, Advocate for Respondents

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 06th OCTOBER 2026

ORDER :-

1. Criminal Revision Application No.237/2019 is filed by applicants Janabai Laxman Dawkhar, aged about 80 years, and Sushila

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Laxman Dawkhar, aged about 70 years, against respondent Deepak Laxman Dawkhar, who is admittedly their son, for setting aside the impugned judgment and order dated 23/07/2019, passed by the learned Additional Sessions Judge in Criminal Appeal No.20/2019 to the extent of reduction in monthly maintenance amount from Rs.5,000/- to Rs.3,000/- to applicants. Criminal Revision Application No.295/2019 is filed by Deepak Laxman Dawkhar against the applicants in Criminal Revision Application No.237/2019 for setting aside the judgment and order dated 23/07/2019, passed by the learned Additional Sessions Judge, Shrirampur in Criminal Appeal No.20/2019 as well as for setting aside the impugned judgment and order dated 29/03/2019, passed by the learned JMFC in Criminal Misc. Application No.285/2015, thereby granting maintenance to the applicants (his mothers).

2. Since both the applicants in both the revision applications are challenging the order dated 23/07/2019, passed by the learned Additional Sessions Judge, Shrirampur, Dist. Ahmednagar, both the revision applications are being disposed of by this common judgment.

3. The applicants in Criminal Revision Application No.237/2019, namely, applicant No.1/Janabai Laxman Dawkhar is the

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stepmother of the respondent/Deepak, whereas applicant No.2/Sushila Laxman Dawkhar is the biological mother of the respondent/Deepak. They had filed Criminal Miscellaneous Application No.285/2015 before the learned Judicial Magistrate First Class, Shrirampur, District Ahmednagar, seeking reliefs under Sections 12, 18E(F), 19, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as “the D.V. Act”). The applicants claimed various reliefs including monetary reliefs under the provisions of the D.V.Act against respondent/Deepak, who is their son. It was contended in the said application that the father of the respondent/Deepak, namely, Laxmanrao Dawkhar, who was the husband of the applicants, died on 15/07/2013. The applicants, respondent/Deepak and deceased Laxman Dawkhar were living together. It was also contended that after death of Laxman Dawkhar, respondent/Deepak was harassing the applicants and demanding their ‘*stridhan*’. Consequently, on 20/05/2015, respondent/Deepak drove the applicants from house.

4. The learned Judicial Magistrate First Class, Shrirampur, vide his order dated 29/03/2019 in Criminal Miscellaneous Application No.285/2015, partially allowed the application filed by the applicants (mothers), thereby granting them monetary relief (monthly

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maintenance) of Rs.5,000/- each from respondent/Deepak from the date of the said order. Apart from the said monetary relief, the learned Magistrate also directed respondent/Deepak to make available two rooms in Municipal House No.4111/8056, situated at Dawkhar Chawl, Ward No.3, along with all necessary arrangements for the applicants.

5. The aforesaid order dated 29/03/2019, passed by the learned JMFC was challenged by respondent/Deepak before the learned Additional Sessions Judge, Shrirampur in Criminal Appeal No.20/2019 under Section 29 of the D.V. Act. Respondent/Deepak contended in his appeal that the applicants (his mothers) are the real sisters and that both of them have been recognized as wives of deceased Laxman Parashram Dawkhar (his father). It was also contended that respondent/Deepak is the agriculturist, having no source of income and not capable to provide maintenance to applicants. It was also contended that the applicants (mother) have huge source of income. It was also contended by respondent/Deepak that he has two sisters, namely, Vaishali, Archana and one stepsister, namely, Meena. One of the sisters, Vaishali, had filed a suit bearing Special Civil Suit No.37/2015 against him and other members for partition and declaration in respect of the family properties. The said civil suit is subjudice before the learned Civil Judge Senior Division,

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Shrirampur. The applicants, i.e. his mothers, are staying with the said sister Vaishali.

6. After hearing the learned Advocates for the respective parties, the learned Additional Sessions Judge, Srirampur, vide his impugned order dated 23/07/2019, partly allowed the appeal. The judgment and order dated 29/03/2019, passed by the learned Judicial Magistrate First Class, Srirampur, in Criminal Miscellaneous Application No.285/2015 came to be modified, thereby directing the respondent/Deepak to pay Rs.3,000/- per month to each applicants towards their maintenance from the date of the impugned order i.e. 29/03/2019.

7. Being aggrieved by the said judgment and order of the learned Additional Sessions Judge, the applicants, who are the mothers, have approached this Court by filing the Criminal Revision Application No.237/2019, thereby challenging the reduction of the monthly maintenance amount from Rs.5000/- to Rs.3000/- each. Respondent Deepak has also approached this Court by filing Criminal Revision Application No.295/2019, challenging the grant of Rs.3,000/- per month as maintenance to each of the applicants.

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8. Learned Advocate for the applicants in Criminal Revision No.237/2019 (respondents in Criminal Revision Application No.295/2019) submits that impugned judgment and order passed by learned Additional Sessions Judge is against well settled law and shows non application of mind of the learned Judge. According to him, learned Judge has failed to appreciate that the applicants are old aged ladies, suffering from various ailments and require constant medication, for which learned JMFC had rightly awarded monthly maintenance of Rs.5000/- each. However, learned Additional Sessions Judge has erred in reducing the said maintenance to Rs.3000/-. He then submits that respondent/Deepak had not laid any evidence to show that the applicants are getting any income from interest or dividend, and considering the increased cost of living, learned Additional Sessions Judge ought not to have reduced the quantum of monthly maintenance. He therefore, prays for allowing the Criminal Revision Application No.237/2019 and dismissing Criminal Revision Application No.295/2019.

9. Per contra, learned Advocate for respondent/Deepak in Criminal Revision Application No.237/2019 (who is applicant in Criminal Revision Application No.295/2019) vehemently opposes

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Criminal Revision Application No.237/2019. He submits that the applicants (mother of respondent/Deepak) are having huge property on their name. He further submits that the applicants have invested huge amount and thus, they have sufficient source of income and need not require financial support. According to him, both the subordinate Courts have failed to consider that both the applicants are not eligible for granting maintenance, and thus, both the Courts have erred in passing the impugned orders. He, therefore prays for dismissing Criminal Revision Application No. 237/2019 and allowing Criminal Revision Application No.295/2019.

10. After hearing the learned Advocates for the respective parties in both the criminal revision application, I have gone through the record as well as the impugned judgment and order passed by the learned subordinate Courts. Both the Courts have observed that the applicants (mothers) have proved that they are in a domestic relationship with their son i.e. respondent/ Deepak. It is also proved that the applicants lived with the respondent/Deepak in a domestic relationship in Municipal House No.4111/8056, situated at Kumbhar Galli, Ward No.3, Shrirampur. Further, the applicants/mothers have also proved that they have been subjected to domestic violence at the

hands of the respondent/Deepak. Although the applicants/mothers in Criminal Revision Application No.237/2019 had successfully proved the said issues before the learned Trial Court and the learned Appellate Court, the learned Additional Sessions Judge, nonetheless modified the order passed by the learned Judicial Magistrate First Class, reducing the maintenance amount from Rs.5,000/- to Rs.3,000/- per month for each applicant. I have examined the impugned order dated 23/07/2019 to ascertain the reasons for the said reduction. Unfortunately, I fail to find any reasons that justify the learned Additional Sessions Judge, Shrirampur in reducing the amount of monthly maintenance from Rs.5,000/- to Rs.3,000/-. The learned Additional Sessions Judge, in paragraph No.15 of the impugned judgment and order, observed that the Trial Court has fixed the monthly maintenance amount of Rs.5,000/- per month for each applicant. Respondent/Deepak, being the son of the applicants and they being aggrieved ladies, respondent/Deepak is under an obligation to provide monetary help to them, despite the established fact that they had sufficient funds in their accounts. The applicants are getting interest thereupon quarterly, half-yearly and yearly. The amounts deposited in the accounts of the applicants are not meagre but handsome. Though the respondent/Deepak has not succeeded in bringing on record what actually the

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applicants are getting towards interest or dividend, the fact cannot be ignored that the applicants have been getting considerable returns on their investment. In view of this, the learned Sessions Judge came to the conclusion that the quantum of maintenance determined by the learned Magistrate be reduced to Rs.3,000/- for each applicant.

11. After going through the aforesaid discussion, I am of the view that the reasons given by the learned Additional Sessions Judge for reducing the maintenance amount are not valid and proper. Looking to the age of the applicants (mothers), who are aged more than 75 years, the maintenance amount, irrespective of the fact as to whatever properties they may be having, is required to be paid by respondent/Deepak, considering their health issues and old age related ailments. Reducing the amount of maintenance would necessarily cause them financial burden. The impugned order was passed in the year 2019. However, now, certainly, the said amount requires to be enhanced.

12. In that view of the matter, I find that the order passed by the learned Judicial Magistrate First Class was just and proper, and the same rate of maintenance shall continue to be granted to the applicants from the date of the impugned order i.e. 23/07/2019. Therefore, the

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impugned order dated 23/07/2019 is hereby quashed and set aside to the extent of reducing the amount from Rs.5,000/- to Rs.3,000/-. The rest of the order is maintained.

13. Accordingly, Criminal Revision Application No.237 of 2019 is allowed and the criminal revision application preferred by respondent/Deepak, i.e. Criminal Revision Application No.295/2019, is dismissed.

[SUSHIL M. GHODESWAR, J.]

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