



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 168 OF 2024

Bhatu Nawal Patil

...Applicant

Versus

Rajubai Bhatu Patil

...Respondent

Mr. Sant Tapan Kishor, Advocate for the Applicant.

Mr. Deshpande Shantanu A., Advocate for the Respondent.

CORAM : SUSHIL M. GHODESWAR, J.

DATE : SEPTEMBER 10, 2026

PER COURT :

1. The Applicant is challenging the order dated 23rd May 2023, passed by the learned Family Court, Dhule, in Petition E No.145 of 2021 (Old Criminal Miscellaneous Application No.947 of 2017). Vide the said order, the learned Family Court was pleased to enhance the amount of maintenance from ₹ 1,000/- to ₹ 6,000/-. Feeling aggrieved by the said enhancement order, the Applicant–husband has approached this Court.

2. Heard Mr. Sant, learned counsel for the Applicant, and Mr. Deshpande, learned counsel appearing for the Respondent.

3. Mr. Sant, learned counsel for the Applicant, submits that as on date, the Applicant is aged more than 65 years, whereas the Respondent-wife is aged more than 60 years. They have been separated since 1982. Since then, the Applicant has been paying the maintenance. Earlier, it was granted @ ₹ 150/-, which was subsequently enhanced to ₹ 1,000/- in the year 2011. Thereafter, the Respondent again approached the learned Family Court under Section 127 of the Code of Criminal Procedure for enhancement of the maintenance amount.

4. The learned Family Court, while considering the cost of living and other expenses required for maintenance, enhanced the amount of maintenance from ₹ 1,000/- to ₹ 6,000/-.

5. Mr. Sant, learned counsel for the Applicant, submits that the earlier maintenance order was granted by considering the salary certificate when the Applicant was in service. He submits that the Applicant was working as an Assistant Branch Post Master; however, he has now superannuated and he is not having any pensionary benefits. He further submits that as the Applicant is not receiving any earnings, the enhancement granted by the learned Family Court is

highly unjustified and excessive. He therefore submits that as there is no earning capacity of the Applicant, the impugned order is grossly illegal.

6. Mr. Deshpande, learned counsel appearing for the Respondent, submits that the Respondent–wife has been staying separately since the year 1982 and she is totally dependent upon the maintenance being granted to her by the learned Family Court. He further submits that due to her old age, it is very difficult for her to meet her expenses of livelihood. He further submits that in order to secure the ends of justice, the impugned order passed by the learned Family Court deserves to be maintained. He again submits that the enhancement is highly reasonable and would be sufficient for the Respondent–wife to maintain herself with that enhancement amount.

7. After hearing the learned counsel for the parties and going through the order passed by the learned Family Court, it is found that the parties are living separately since the year 1982. The Applicant is also shown to be possessing certain agricultural property. Since both the parties are aged citizens, particularly the Respondent–wife, who is totally dependent upon the maintenance granted by the learned Family

Court, I am not inclined to interfere with the order passed by the learned Family Court. I find that enhancement to ₹ 6,000/- is highly adequate and proper. Moreover, much leniency has been shown towards the Applicant, as the learned Family Court, while enhancing the said amount, has not directed the Applicant to pay the same from the date of the application.

8. In that view of the matter, the Application deserves to be rejected. Hence, the Application is dismissed. No order as to costs.

(SUSHIL M. GHODESWAR, J.)