

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.213 OF 2026

Shri Sagar Namdeo Gaikwad	]	
Age 33 years, Occ. – Professional,	]	
R/o. Keshav Park, Opp. Kalavati	]	
Mandir, Miraj-Malgaon Road, Miraj	]	
District – Sangli.	]	Petitioner
		(Org. Respondent)

Versus

Smt. Padmini Namdeo Gaikwad	]	
Age 53 years, Occ. House Hold	]	
R/o. Near the house of Zareena	]	
Soudagar, Alankar Colony, 100 Ft Rd	]	
Miraj, Dist. Sangli.	]	Respondent

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Mr. Padmanabh D. Pise a/w Mr. Prathamesh Patil & Ms. Manjusha
Bhosale, Advocates for the Petitioner.

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CORAM : ABHAY J. MANTRI, J.

DATE : 24th SEPTEMBER, 2026

ORAL JUDGMENT:

1. Heard the learned advocate for the Petitioner and perused the record.

2. The Petitioner, being aggrieved by the order dated 13-08-2025 passed by the learned Judge, Family Court, Sangli, below Exhibit 7 in Petition E-No. 7 of 2023, whereby the Application preferred by the Respondent for interim maintenance came to be

allowed and the Petitioner was directed to pay interim maintenance of Rs.15,000/- per month to the Respondent, who is his mother, has preferred this Petition.

3. It is pertinent to note that the Respondent is the mother of the Petitioner, and it is she who cared for and brought up the Petitioner from his childhood until he became a Chartered Accountant. Despite that, the Respondent had to file an application seeking maintenance from her son, i.e. the Petitioner. In fact, the Petitioner has an obligation to take care of, provide for, and maintain his mother. It is to be noted that no mother will file an application against her son for maintenance except in extreme exigency. It is also undisputed that the Petitioner is a Chartered Accountant.

4. The Respondent-mother filed an application before the learned Family Court for grant of maintenance from her son. It was contended that the Petitioner is a Chartered Accountant and earns Rs. 3,00,000/- per month; therefore, she prayed for grant of maintenance of Rs.25,000/- per month.

5. The Petitioner appeared in the matter and resisted the application and contended that he is regularly paying an amount of Rs. 5,000/- per month to the Respondent for household expenses, and she is also getting rent of Rs. 4,000/-. Therefore, it is contended that the

Respondent is not entitled to the maintenance claimed and that the application should be rejected.

6. The learned Judge of the Family Court, after considering the material on record, observed that the Petitioner is a Chartered Accountant. In his affidavit of assets and liabilities, he stated that he earns Rs. 58,416/- per month and, on that basis, the learned Family Court granted interim maintenance of Rs.15,000/- per month. Aggrieved by the same, the Petitioner has preferred this Petition.

7. The learned Advocate for the Petitioner vehemently contended that the learned Family Court failed to consider the facts in their proper perspective and has erred in recording the finding in paragraph 4 of the impugned order. He further canvassed that the Petitioner is paying Rs. 5,000/- per month to the Respondent, and the Respondent is also receiving rent of Rs. 4,000/-. The Petitioner has also availed a home loan and is required to pay installments of Rs. 40,000/- to Rs. 45,000/- as EMI. He spends Rs.15,000/- to Rs. 20,000/- on his wife and children's medical expenses. Therefore, submitted that the amount awarded by the learned Family Court is exorbitant and excessive. As such, he urged that the impugned order be set aside.

8. Though during the argument, he propounded that the Petitioner is not shying away from maintaining his mother, he still submitted that the maintenance granted by the learned Family Court is exorbitant and urged for setting aside the impugned order.

9. Having considered his submission and perusal of the impugned order and record, at the outset, it appears that the Petitioner is the son of the Respondent. Therefore, the Petitioner is obligated to take care of, provide for, and maintain his mother as per his status.

10. It is worth noting that Section 125 of the Code of Criminal Procedure, 1973 (for short “**Cr. P.C.**”) is a social welfare provision which must be subjected to an extensive beneficial concern, and this understanding has been extended to maintenance. Similarly, it must be borne in mind that the right of maintenance under Section 125 of the Cr. P. C. is not a benefit received by the mother from his son, but rather the legal or moral duty owed by the son to maintain his mother. Undisputedly, the Petitioner is not maintaining his mother and not providing sufficient means. This fact itself is sufficient to award the maintenance to the Respondent-mother.

11. Besides, the judicial note can be taken that there is a rise in the prices of the essential commodities and therefore the

maintenance amount granted to the Respondent appears to be too meagre to satisfy her daily needs.

12. Apart from this, it is an obligation of the son to maintain his mother. He cannot be permitted to plead that he is unable to maintain her due to financial constraints as long as he is capable of earning. Furthermore, the learned Advocate for the Petitioner though argued at length to justify the defence, failed to point out that the Petitioner does not have sufficient income to maintain his mother. On the contrary, it has come on record that the Petitioner is a Chartered Accountant and also availed a home loan, and according to him, he pays EMI of Rs.40,000/- to Rs.45,000/- which itself indicates that he has sufficient means of income; else the bank would not have disbursed the loan to pay the EMI of Rs. 40,000/- to Rs. 45,000/-. Those facts themselves denote that the Petitioner has not come to the Court with clean hands but has suppressed his actual income from the learned Family Court, while filing the affidavit of assets and liabilities. Therefore, in my view, it would be appropriate to saddle him with costs for not disclosing his actual income in the affidavit and thereby trying to mislead the Court on this point, and also to abuse the process of the Court by filing such a Petition without having any grounds but only with a view to depriving his mother of getting maintenance and thereby consuming the Court's valuable time.

13. Thus, considering the above discussion, it appears that the order passed by the learned Judge, Family Court is just and proper and no interference is warranted in it in the writ petition. On the contrary, it seems that the Petitioner has abused the process of law by failing to disclose his actual income in the affidavit of assets and liabilities before the learned Family Court. Therefore, in my view, it would be appropriate to impose costs on the Petitioner.

14. Consequently, **the writ petition being bereft of merit, stands dismissed with costs of Rs. 20,000/-.**

15. The Petitioner is directed to pay costs to the Respondent or deposit the same in the Family Court, Sangli within four weeks from today, failing which, his right to proceed with the matter before the learned Family Court shall stand forfeited. It is made clear that no further time will be granted to pay/deposit the said costs.

16. **The Petition is disposed of accordingly.**

[ABHAY J. MANTRI, J.]