

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

(901) CRIMINAL REVISION APPLICATION NO. 78 OF 2026
WITH
INTERIM APPLICATION NO. 333 OF 2026
IN
CRIMINAL REVISION APPLICATION NO. 78 OF 2026

Rekha Deepak Mohite ...Applicant
VERSUS
Deepak Tukaram Mohite ...Respondent

WITH
(50) CRIMINAL REVISION APPLICATION NO. 361 OF 2025

Deepak Tukaram Mohite ...Applicant
VERSUS
Rekha Deepak Mohite ...Respondent

Adv. Vikrant Shinde a/w Bhavika Shinde for the applicant.
Adv. Chirag Sonecha for the applicant in Revn No. 361/2025 and respondent no.1 Revn No. 78/2026.
Ms. S.H. Deshmukh, APP for the respondent – State in Revn No. 78/2026
Mr. Avinash Naik, APP for the respondent – State in Revn No. 361/2025.
Adv. Vikrant Shinde a/w Adv. Bhavika Shinde for the respondent.

Coram : RAJESH S. PATIL, J.

Date : SEPTEMBER 4, 2026.

P. C. :

1. By the impugned judgment and order dated 30 August 2025

passed by Family Court, Satara in Exhibit 73 order below in PE. No. 21 of 2023, the learned Judge by allowing the wife's petition, directed the husband to pay an amount of Rs.6,000/- per month towards maintenance from the date of the filing of the petition, i.e. 16 June 2023. Both the parties, i.e. the wife and the husband have challenged the impugned order dated 30 August 2025, by filing the revision application. In the husband's revision application, this Court directed the husband to deposit 50% of the outstanding amount in order to entertain the petition. I have been informed that 50% of the said amount has been deposited in this Court.

2. I have heard counsels for both the sides and I have gone through the documents on record. The learned Family Court have considered the fact that production of salary slips of the respondent-husband, which shows that his salary for the month of June 2025 was totally Rs.66,225/-, where after deduction take-away home salary is Rs.45,076/-. Based on the said salary certificate, the Court directed the respondent-husband to pay Rs.6,000/- per month from the date of the application, considering the ratio laid down by Hon'ble Supreme Court in the judgment of **Rajnish V/s. Neha & Anr** reported in (2021) 2 SCC 324.

3. I have been shown the judgment of **Kalyan Dey Chowdhury**

versus Rita Dey Chowdhury reported in (2017) 14 SCC 200. In the said judgment, the Hon'ble Supreme Court has come to a view that 25% of the husband net salary would be just and proper to be awarded as maintenance to the respondent wife. Paragraph No. 15 of the said judgment read as under.

“15. The review petition under Order 47 Rule 1 CPC came to be filed by the respondent wife pursuant to the liberty granted by this Court when the earlier order dated 2-2-2015² awarding a maintenance of Rs 16,000 to the respondent wife as well as to her minor son was under challenge before this Court. As pointed out by the High Court, in February 2015, the appellant husband was getting a net salary of Rs 63,842 after deduction of Rs 24,000 on account of GPF and Rs 12,000 towards income tax. In February 2016, the net salary of the appellant is stated to be Rs 95,527. Following Kulbhushan Kumar v. Raj Kumari, in this case, it was held that 25% of the husband's net salary would be just and proper to be awarded as maintenance to the respondent wife. The amount of permanent alimony awarded to the wife must be befitting the status of the parties and the capacity of the spouse to pay maintenance. Maintenance is always dependent on the factual situation of the case and the court would be justified in moulding the claim for maintenance passed on various factors. Since in February 2016, the net salary of the husband was Rs 95,000 per month, the High Court was justified in enhancing the maintenance amount. However, since the appellant has also got married second time and has a child from the second marriage, in the interest of justice, we think it proper to reduce the amount of maintenance of Rs 23,000 to Rs 20,000 per month as maintenance to the respondent wife and son”.

4. Considering the law as laid down by the Supreme Court in **Kalyan Dey Chowdhury (Supra)**, 25% of the amount of Rs.45,076/- would be roughly around Rs.11,250/-.The Family Court has granted Rs.6,000/- per month. Therefore, the amount should be enhanced from Rs.6,000 to Rs.11,250/- per month to be payable by the husband from the date of the filing of the petition, i.e. 16 June 2023.

5. As far as submission of the learned counsel appearing for the husband is concerned that as per the provision of section 125(4) of the Cr.P.C., if the wife refuses to live with her husband, she would not be entitled to receive maintenance or interim maintenance. I have gone through the reply filed by the husband to the application filed by the wife seeking interim maintenance. In the said reply, in paragraph no. 2, the husband has denied that there was any kind of marriage ceremony between the applicant and the respondent. Therefore, she has to first prove that there was a marriage in order to claim maintenance under section 125 of Cr.P.C. In the second breath, he says that he is accepting her as his wife, provided she comes and stays with him and not only Rs.6,000/- but he will even pay Rs. 10,000/- per month to her.

6. I was also shown the evidence which was led before the Family Court, and mainly, answers given to question nos. 26, 27, and 28.

7. Considering the evidence led before the Family Court, nowhere I could find that any objection as mentioned in section 125(4) of Cr.P.C. were raised. In fact, the argument on behalf of the husband is that there was no marriage. The wife has stated that she cannot stay with the husband because he has suppressed many facts. He has suppressed that the reasons why his first wife had died, he has his one of his two daughters from the first marriage is a handicap and also the fact that the mother of the husband used to abuse the applicant wife, the nephew of the husband used to molest her and even the husband has physically beaten her and she had no other option but to leave the house. In such a situation, she was not ready to go back to the residence of the husband.

8. Once this material is on record, then in my view, sub-section (4) of section 125 is not attracted, as the said sub-section states that without any sufficient reason, the wife refuses to live with her husband.

9. At this stage, the learned counsel appearing for the husband submits that his client had filed a Criminal Miscellaneous Application before the learned Magistrate under the provisions of Section 125(5) of the Cr.P.C. However, the said application came to be rejected on 27 August 2026 on the ground that the same was not maintainable in

view of the pendency of the present proceedings. He submits that he intends to challenge the said order.

10. Hence, in my view, both the revision application can be disposed of with following order:

- i) The maintenance granted by order dated 30 August 2025 by Family Court, Satara of Rs.6,000/- is enhanced to Rs. 11,250/-, which will be payable from 16 June 2023.
- ii) The amount which has already been deposited by the husband to be adjusted while calculating the arrears payable by the husband.
- iii) The amount deposited in this Court by the husband is permitted to be withdrawn by the wife along with accrued interest, if any.

11. The balance amount of arrears to be deposited by the husband within a period of six weeks from today. Once the said amount of arrears is deposited, the wife is permitted to withdraw the same.

12. Thereafter, the husband will pay an amount of Rs.11,250/- to the wife in her bank account on every 5th day of the month.

13. Criminal Revision Application No. 361 of 2025 and Criminal Revision Application No. 78 of 2026 are accordingly disposed of.

(RAJESH S. PATIL, J.)