

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

**923 CRIMINAL REVISION APPLICATION NO.11 OF 2017**

1. SANJAY MAROTI RAITHAK  
2. RAJU MAROTI RAITHAK  
VERSUS  
MAROTI SITARAM RAITHAK

...

Advocate for Applicants : Mr. Bora Satyajit S.  
Advocate for Respondents : Mr. Kadam Gajanan G.

...

AND

**CRIMINAL REVISION APPLICATION NO.165 OF 2018**

MAROTI SITARAM RAITHAK  
VERSUS  
1. SANJAY MAROTI RAITHAK  
2. RAJU MAROTI RAITHAK

...

Advocate for Applicants : Mr. Kadam Gajanan G.  
Advocate for Respondents : Mr. Bora Satyajit S.

...

**CORAM : M.G. SEWLIKAR, J.**  
**DATE : 9<sup>th</sup> December, 2021**

**PC.:-**

Heard.

2. This is a revision preferred by the sons against the judgment and order dated 7<sup>th</sup> December, 2016 passed by the Family Court, Nanded in Petition No.e-295/2014, whereby maintenance of Rs.4,000/- per month is granted to their father.

3. Learned counsel for the applicants Shri Bora vehemently submits

that mother of the applicants is staying with sons. He submits with vehemence that if sons can maintain their mother, there is no impediment for the sons to maintain their father. He submits that even now applicants are ready to maintain their father. They are ready to take care of their father and also are ready to bear his medical emergency and medical expenses. He submits that without considering these aspects of the matter the learned Family Court awarded maintenance of Rs.4,000/-. He submits that respondent was a Teacher in Zilla Parishad School, Nanded. He retired as a Teacher and is drawing pension of Rs.17,000/- per month. He can very well manage himself in the said amount of Rs.17,000/-. He submits that now because of implementation of 7<sup>th</sup> Pay Commission, his pension must have gone up considerably. He further submits that respondent in the trial Court did not produce any record to show as to what exactly the salary of the applicants is. Applicant no.2 is a Talathi and he gets meager income in which it is difficult for him to make both ends meet. He, therefore, submits that revision be allowed and the order of the learned Family Court be set aside. He further submits that if the Court comes to the conclusion that revision is to be dismissed, amount of maintenance be reduced. Learned counsel Shri Bora submits that whatever arrears the applicants are liable to pay, the applicants are ready to pay the said amount of arrears within two months from today.

4. Learned counsel for the respondent submits with equal

vehemence that the respondent is more than 75 years of age. He is suffering from multiple ailments. He has to engage a maid servant for cooking and other household chores. He has to hire one assistant for his daily ablutions. He submits that in pension of Rs.17,000/-, it is very difficult for him to take care of himself and to meet the medical expenses. He submits that, therefore, his revision application no.11/2017 be allowed.

5. Perused the record. It appears that respondent has been cross-examined only on the point of medical emergencies and medical expenses. So far as income of the applicants is concerned, both the parties agree that no documentary evidence was placed on record before the trial Court. It is not in dispute that respondent is getting pension of Rs.17,000/- per month. In this Rs.17,000/- he can meet his daily needs. The learned trial Court granted maintenance of Rs.4,000/- only for medical expenses. Considering the rise in medical expenses, I deem it appropriate to enhance the amount of maintenance from Rs.4,000/- to Rs.5,000/- each. In this view of the matter, revision application no.165/2008 is dismissed. Revision application no.11/2017 is partly allowed. Amount of maintenance is enhanced from Rs.4,000/- to Rs.5,000/- per month. All the other applications stand disposed of.