

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

**926 CRIMINAL REVISION APPLICATION NO.234 OF 2019**

RAVINDRA S/O. TULSHIRAM SONAWANE  
VERSUS

1. ANITA RAVINDRA SONAWANE  
2. MISS KHUSHI RAVINDRA SONAWANE

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Advocate for Applicant : Mrs. Kazi Sabahat T.  
Advocate for Respondents : Mr. Savale Amit S.

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**CORAM : M.G. SEWLIKAR, J.**  
**DATE : 21<sup>st</sup> December, 2021**

**PC.:-**

This revision is preferred against the judgment and order dated 1<sup>st</sup> June, 2019 passed by the learned Judge, Family Court, Dhule in Petition No.E-103/2018, whereby applicant has been directed to pay maintenance @ Rs.5,000/- for respondent no.1 and Rs.5,000/- for respondent no.2.

2. Respondent no.1, admittedly is the wife of the applicant. Their marriage was performed on 20<sup>th</sup> February, 2013. It is alleged by respondent no.1 that she was treated well for initial two months. Thereafter, she was subjected to ill-treatment on account of her trivial mistakes. Applicant started demanding Rupees Four Lakhs for purchasing a car. It is further alleged that respondent no.1 begot a daughter i.e. respondent no.2 on 12<sup>th</sup> March, 2014.

Applicant and his family members were unhappy because of birth of a baby girl and therefore they started ill-treating the respondent no.1 on that count. It is further alleged that on 14<sup>th</sup> July, 2015 respondent was ill and she had requested the applicant to take her to a Doctor but applicant refused to do so. On the contrary, applicant got annoyed and drove her out of the house. Since then she has been residing at her parents place. It is the contention of the respondent no.1 that applicant is working as a Teacher and getting salary of Rs.45,000/-. He has agricultural land from which he gets annual income of Rupees Ten Lakhs. Applicant also owns a Tractor. He gives it on hire basis and earns sumptuous amount from it. Therefore, respondent no.1 has claimed maintenance of Rs.10,000/- for herself and Rs.10,000/- for her daughter-respondent no.2.

3. Applicant appeared and resisted the application by filing his say. He denied all the allegations in toto. According to him, applicant was born after the death of his father. Mother of applicant went to her brother's place after death of her husband. The maternal uncle of the applicant maintained applicant and his mother. At the time of marriage maternal uncle and aunt of the applicant and mother of the applicant were staying with the applicant. Respondent no.1 did not want to live with the applicant in a joint family. She was insisting on the applicant to live separately from maternal uncle, aunt and

his mother. Applicant was not ready for this and, therefore, this false application is filed against him.

4. Both the applicant and respondent no.1 tendered evidence before the trial Court. After appreciating evidence the learned trial Court came to the conclusion that the applicant was working as a Teacher and he also has agricultural land and, therefore, his income must be Rs.1,000/- per day and awarded maintenance @ Rs.5,000/- per month for respondent no.1 and Rs.5,000/- per month for respondent no.2. Learned trial Court further held that applicant refused and neglected to maintain respondent nos.1 and 2. This order is impugned in this revision.

5. Heard Smt. Kazi learned counsel for the applicant and Shri Savale learned counsel for respondent nos.1 and 2.

6. Smt. Kazi submits that respondent no.1 did not want to live with applicant, her maternal uncle, aunt and her mother. At the time of the marriage, these people were living with the applicant. Respondent no.1 did not like to co-habit with the applicant on this count. She wanted to live separately from the maternal uncle, aunt and his mother. Applicant was not ready for this and, therefore, she has filed this false application. She further submitted that respondent no.1 has not tendered any evidence to show that

applicant is working as a Teacher. She further submitted that during the pendency of the petition in the Family Court, compromise was effected between applicant and respondent no.1. Respondent no.1 had gone to live with the applicant. Respondent no.1's father came there and assaulted the applicant and took the respondent no.1 back. She submits that N.C. of this incident has also been registered. She submits that this clearly shows that applicant did not neglect or refuse to maintain respondents.

7. Learned counsel Shri Savale submits that applicant has denied everything. He submits that applicant denied that he had any agricultural land. When 7/12 extracts were confronted to him he denied those extracts also. He submits that the conduct of the applicant clearly shows that he wanted to hide everything. The learned trial Court has, therefore, correctly awarded maintenance @ Rs.5,000/- for respondent no.1 and Rs.5,000/- to respondent no.2. He submits that respondent no.1 was subjected to ill-treatment on the count that she delivered a female child. He submits that applicant has denied in the cross-examination that he is not ready to take the respondent no.1 back. This conduct has been noted by the learned trial Court. He submits that the learned trial Court has correctly awarded the maintenance.

8. It is not in dispute that applicant and the respondent no.1 are

husband and wife and respondent no.2 is the daughter born from the wedlock. Petition for restitution of conjugal rights is pending. It is filed by husband i.e. the applicant.

9. In the course of cross-examination, a question was put to the applicant as to whether he was ready and willing to maintain the respondent nos.1 and 2. His answer was in the negative. This attitude of the applicant clearly shows that he does not want to maintain respondent nos.1 and 2. It is pertinent to note that respondent nos.1 and 2 are living separately from the applicant. Respondent no.2 is the daughter of the applicant. He did not make any provision for their maintenance. This itself clearly shows that he refused and neglected to maintain the respondent nos.1 and 2. Therefore, learned trial Court was justified in recording the finding that the applicant refused and neglected to maintain respondents.

10. So far as income is concerned, learned trial Court has held that applicant is a Teacher. Admittedly, respondent no.1 did not adduce any evidence in that direction. Applicant has denied that he owns any agricultural land. When in the cross-examination he was confronted with the 7/12 extracts he pleaded ignorance about those extracts. Thus, the applicant has concealed this fact from the Court. When it was brought to his notice during the cross-examination he had the audacity to deny those 7/12 extracts. The

learned trial Court, therefore, rightly observed that he has no regard for the truth. Income of the applicant is within his special knowledge. Therefore, it is for him to disclose his income truthfully. He has not disclosed his income. On the contrary, he went on denial mode and denied everything that came his way. The only thing he admitted is the relation between him and the respondent nos.1 and 2. Applicant denied all the other allegations. Applicant is doing labour and also has agricultural land. So he has income from both the sources. Therefore, the learned trial Court did not commit any error in awarding maintenance @ Rs.5,000/- for respondent no.1 and Rs.5,000/- for respondent no.2. The learned trial Court did not commit any error in awarding maintenance, I do not find any infirmity in the appreciation made by the learned trial Court. In this view of the matter, application is devoid of any substance. Hence, it is dismissed.

**[M.G. SEWLIKAR, J.]**