

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

919 CRIMINAL REVISION APPLICATION NO.27 OF 2022

**TUKARAM BABURAO GHALME
VERSUS
SINDHU W/O TUKARAM GHALME**

Mr.S.R. Zambare, Advocate for the applicant.

Mr.R.S. Kasar, Advocate for sole respondent.

**CORAM : KISHORE C. SANT, J.
DATED : 21.09.2022**

PC :-

01. Heard both the sides. The present criminal revision application is arising out of maintenance proceedings under section 125 of the Criminal Procedure Code. The respondent-wife had initially filed an application for maintenance in the year 2010 in the Court of Judicial Magistrate, First Class, Ahmednagar bearing Criminal Enquiry Application No.97 of 2010, in which the present applicant was directed to pay to the respondent an amount of Rs.1200/- per month towards maintenance. The said order was challenged in revision bearing Criminal Revision No.174 of 2011 before the Sessions Court. The learned Additional Sessions Judge, Ahmednagar by the judgment and order dated 31.03.2015 directed the applicant to pay to the respondent a maintenance at the rate of Rs.1600/- per month from the date of filing of the

criminal revision application. The costs was awarded of Rs.2000/- to the present respondent.

02. The respondent wife in view of change in the circumstances i.e. the rising prices and expenses, filed application in the Family Court at Ahmednagar under section 127 of the Cr.PC. for modification of the order of maintenance. It is specific case of the respondent-wife that the earlier proceeding was decided in the year 2015. Now the prices have gone up 3-4 times than they were in the year 2015. It is submitted that considering the present days' expenses required for maintaining herself, the earlier amount is inadequate. She stated that the applicant husband is earning Rs.10 to 15 lakhs per year from the agriculture income. She ultimately prayed for an amount of Rs.10,000/- per month towards maintenance.

03. The applicant – husband filed his say. He denied that he is earning Rs.10 to 15 lakhs per year from the agricultural land. He denied that he is having 15 acres of land. He denied that there is now hike in the prices to the extent of 3-4 times.

04. Both the parties have led evidence by filing affidavits in lieu of examination-in-chief. The wife in her affidavit stated in the line of her application. In the cross, her evidence is not shattered. In the evidence of the applicant-husband, he has stated that he is unable to earn income from the agricultural land, as due to old age he has lost sight of both the eyes and he cannot see anything beyond six feet. Now the agricultural land is looked after by his two sons. In-fact, now he is depending on his son etc. He further stated that the wife has not produced anything on record to prove income of the husband. In the cross-examination, he again reiterated that he is having only three acres and 33 R agricultural land. He denied that he cultivates sugarcane and other cash crops. He further stated that the land is of the joint family in which even his sisters have share. On the record he produced the information supplied to him by the Public Information Officer cum Naib Tahsildar, Karjat to show that the price index has not gone up as claimed by the respondent. He gave information in the form of chart showing the prices of the rice, wheat etc. from 2015-2019, which does not show any change. Looking at this chart, it is seen that the prices are given of the essential commodities as available in the ration shop and same cannot be considered.

05. It is known fact that the prices have in-fact gone up and the expenses required in 2019 are much more than in 2015. From the reasoning and the discussion made by the learned Judge, Family Court, it is seen that the Court has rightly considered all the aspects. The learned Judge, Family Court has also properly appreciated the evidence. The learned Judge, Family Court has thus rightly awarded maintenance of Rs.4000/- per month. There is no perversity found in the reasoning and the observations made by the learned Judge, Family Court, Ahmednagar. Hence, there is no merit in the present revision application. The criminal revision application stands rejected.

[KISHORE C. SANT, J.]