

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

**CRIMINAL REVISION APPLICATION NO. 190 OF 2019**

**Sau. Shweta @ Lochni Nikhil Sonone and two ors**

**...Versus...**

**Nikhil @ Yeshu Madhav Sonone**

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders or directions  
and Registrar's orders

Court's or Judge's orders

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Mr. A.R.Sambre with Mrs. Prajkta Chaudhari, Advocates for the applicant  
Mr. J.Y.Ghurde, Advocate for Respondent

**CORAM : AVINASH G. GHAROTE, J.**

**DATE : 20/04/2022**

1] Heard Mrs. Prajkta Chaudhari, learned counsel for the applicant and Mr. Ghurde, learned counsel for the respondent.

2] The revision application challenges the judgment dated 03.01.2019 passed by the learned Family Court, Akola, whereby the claim for maintenance by the applicant/wife has been rejected, though the maintenance to the tune of Rs. 4,500/- each per month is granted to the two children.

3] Mrs. Chaudhari, learned counsel for the applicant submits that the impugned judgment though in para 21 has held, considering all that has been pleaded in the proceedings, that the applicant requires amount for her maintenance, no

reasons whatsoever have been given for rejecting her claim.

4] I have gone through the impugned order with the assistance of Mrs. Chaudhari, learned counsel for the applicant and Mr. Ghurde, learned counsel for the respondent and both of them have been unable to point out any reason for the said rejection. This ground alone is enough to set aside the impugned order in so far as it rejects the claim of maintenance by the applicant-wife. In the normal course, I would have remanded the matter back to learned Family Court to decide the quantum of maintenance, however, considering that the proceedings before the learned Family Court have been initiated in the year 2016 and the evidence and cross examination of the respondent in which he has categorically stated that he is not willing to cohabit with the applicant/wife even if she was ready to do so, a query was put to Mr. Ghurde, learned counsel for the respondent, as to how much maintenance the respondent would be willing to pay, to which upon instructions, the reply is Rs. 1500/- per month. However, considering what the learned Family Court has discussed in para 20 of the impugned order regarding the financial status of the respondent, in my considered opinion an amount of Rs. 5000/- per month would be just and fair maintenance to the applicant/wife, considering the present cost of living. It is however made clear that such maintenance shall be payable from the date of the present order and not

from the date of the application.

5] The petition is accordingly allowed. The impugned judgment in so far as it rejects the claim of the applicant/wife for maintenance is quashed and set aside and it is directed that the respondent shall be liable to pay maintenance to the applicant/wife at the rate of Rs. 5000/- per month from the date of the present order.

**JUDGE**

**Rvjalit**