

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

**CRIMINAL REVISION APPLICATION NO.165 OF 2023**

**RAMDAS MUKTAJI KHARMALE  
VERSUS  
JAYSHREE RAMDAS KHARMALE**

...

Mr. G. B. Rajale, Advocate for the Applicant.

Mr. R. B. Kasar, Advocate for Respondent.

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**WITH  
CRIMINAL REVISION APPLICATION NO.253 OF 2023**

**JAYSHREE RAMDAS KHARMALE  
VERSUS  
RAMDAS MUKTAJI KHARMALE**

...

Mr. R. B. Kasar, Advocate for the Applicant.

Mr. G. B. Rajale, Advocate for Respondent.

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**CORAM : S. G. CHAPALGAONKAR, J.  
DATED : 12<sup>th</sup> OCTOBER, 2023.**

**PER COURT:-**

1. The applicant/husband impugns the order passed by the Family Court, Ahmednagar in Criminal M.A. No.25/2021 dated 21.02.2023, thereby enhancing the maintenance amount under Section 127 of the Criminal Procedure Code. The respondent-wife also impugns same order, seeking further enhancement.

2. The respondent had filed proceedings under Section 125 of the Criminal Procedure Code bearing Criminal M.A. No.220/2012 before the Judicial Magistrate First Class, Ahmednagar. The said application was allowed and the

maintenance of Rs.3000/- per month was awarded to the respondent. The aforesaid order was subjected to challenge, however, it is confirmed upto the Supreme Court of India. Apart from the maintenance under Section 125 of the Criminal Procedure Code, the respondent is also awarded maintenance of Rs.5000/- per month under Section 18 of the Hindu Adoption and Maintenance Act, 1956. The respondent thereafter moved Criminal M.A. No.25/2021 before the Family Court at Ahmednagar invoking jurisdiction under Section 127 of the Criminal Procedure Code seeking enhancement of the maintenance granted to her under Section 125 of the Criminal Procedure Code. The Family Court allowed the prayer of the respondent and directed the petitioner to pay the maintenance of Rs.15,000/- per month from the date of filing of the application.

3. The learned Advocate appearing for the applicant in his endeavour to assail the order submits that the Supreme Court of India in its order dated 11.11.2022 has confirmed the maintenance amount of Rs.8000/- in favour of the respondent, which includes maintenance under both the proceedings. Although, the order of the Supreme Court of India was placed before the Family Court, there is no whisper in the impugned order regarding the observations of the Supreme Court of India. He would further submit that the applicant is facing various liability in the form of housing loan, responsibility of education towards two children, so also installments towards personal loan. He would, therefore, submit that there is no logic behind granting maintenance of Rs.15,000/- per month, when the respondent is residing in a small place.

4. The learned Advocate appearing for the respondent supports the order. He points out that the applicant is in the

employment as a Teacher and he drawn the salary of Rs.1,00,854/- in the month of January-2022. According to the respondent, the salary of the applicant is now enhanced to Rs.1,20,000/-. Considering the income of the applicant and status of the family, the maintenance amount of Rs.15,000/- is minimal. The respondent is, therefore, seeking further enhancement.

5. Having considered the submissions advanced, it is apparent that the maintenance of Rs.3000/- had been awarded to the respondent in the proceedings under Section 125 of the Criminal Procedure Code, so also maintenance of Rs.5000/- was awarded under Section 18 of the Hindu Adoption and Maintenance Act, 1956. The said order is confirmed by the Supreme Court of India in SLP disposed on 11.11.2022.

6. Pertinently, the respondent had moved before the Family Court, Ahmednagar under Section 127 of the Criminal Procedure Code seeking enhancement of the maintenance granted under Section 125 of the Criminal Procedure Code. The application was moved citing change in circumstance as well as rise in price index. It is brought on record that the applicant is drawing salary of Rs.1,00,854/- as on January-2022. In that view of the matter, the Family Court has rightly concluded that the respondent wife is entitled for enhanced maintenance. The assessment of the maintenance by the Family Court is commensurate with the status of the family and minimum amount that would be incurred by the respondent to maintain her status and dignity. Pertinently, the respondent requires medical supervision because of her fluctuating mental health, as observed by the Trial Court. If all these circumstances are considered, no case is made out to cause interference in the impugned order. Hence, Criminal Revision Application No.165/2023 is dismissed.

Similarly, considering reason adopted by the Family Court while fixing enhanced maintenance, so also additional decree of civil maintenance under Section 18 of the Hindu Adoption and Maintenance Act, 1956 in favour of respondent-wife, no claim for further enhancement can be entertained.

7. For the aforesaid observations, even there is no merit in the Revisions Application No.253/2023 filed by the respondent seeking further enhancement of the maintenance. Hence, the same is rejected.

**(S. G. CHAPALGAONKAR)**  
**JUDGE**