

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

CRIMINAL REVISION APPLICATION NO. 305 OF 2022

Sau. Vaishali W/o Sandeep Chungde,
Age : 36 years, Occu: Household,
R/o. C/o Kavita Vikas Shira, 15
Ajanta Housing Society,
Shahanurwadi,
Dist. Aurangabad.

...Applicant

Versus

Sandeep S/o Vijaysing Chungde
Age : 39 years, Occu : Service,
R/o Waki, Tq, Jamner, Dist. Jalgaon

...Respondent

**WITH
CRIMINAL REVISION APPLICATION NO.110 OF 2021**

Sandeep S/o Vijaysing Chungde
Age : 41 years, Occu : Pvt. Service,
R/o Waki, Tq, Jamner, Dist. Jalgaon

...Applicant

Versus

Sau. Vaishali W/o Sandeep Chungde,
Age : 35 years, Occu: Pvt. Tuitions and Service,
R/o. C/o Kavita Vikas Shira, 15
Ajanta Housing Society,
Shahanurwadi, Dist. Aurangabad.

...Respondent

Mr. A.S. Barlota, Advocate for Applicant in REVN/305/22 &
Respondent in REVN/110/2021.
Mr. S.B. Solanke, Advocate for Respondent in REVN/305/2022 &
Applicant in REVN/110/2021.

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CORAM : S.G. MEHARE, J.

DATED : FEBRUARY 02, 2023

ORAL JUDGMENT:-

1. Rule. Rule made returnable forthwith. By consent of the parties heard finally.
2. Both parties have challenged the same order of learned Principal Judge, Family Court, Aurangabad in Application No.E-11/2016 dated 25.06.2021. Both are disputing the quantum of the maintenance.
3. Learned counsel for the applicant would argue that the husband had ample income from salary, flour mill and agricultural field. At the time of presenting the petition, the husband was getting the salary of around Rs.70,000/- per month. However, the learned Principal Judge, Family Court erred in not granting the maintenance of Rs.25,000/- per month and ignored the source of income and standard of living of the family.
4. Per contra, learned counsel for the husband would submit that the quantum determined by the learned Principal Judge, Family Court, Aurangabad is erroneous. The wife is highly educated; hence, able to make the source of income. The husband has family responsibilities. He has raised a huge loan and after deducting the loan, he was getting salary of Rs.55,000/- per month. Therefore, the quantum of Rs.20,000/- is liable to be reduced to 10,000/- per month.

5. Perused the impugned order and the papers placed before the Court. It is not in dispute that at the time of the application, the husband was a lecturer and getting salary of Rs.70,000/- per month. If the case of the husband is considered that the wife is also educated, that goes to show that both have a high standard of living. The argument of the learned counsel for the husband that the husband has raised a loan and it was deducting from his salary, cannot be considered for the reason that only the statutory deductions are allowed to be excluded from considering income for the purpose of determining the maintenance. The loan may be raised with some motive. It is not the case of husband that apart from salary, he has no other source of income as pleaded by the wife. Considering the standard of living, the sky rocketing prices of daily needs, the medical expenses, rent etc., the maintenance of Rs.25,000/- per month claimed by the wife was reasonable. The income of the husband was proved on record. Therefore, the quantum determined by the learned Principal Judge, Family Court, Aurangabad needs to be modified.

6. In the light of the above discussion, the following order is passed:

ORDER

- I) Criminal Revision Application No.305 of 2022 is allowed.
- II) The monthly maintenance amount of Rs.20,000/- is enhanced to Rs. 25,000/- per month from the date of this order.

(4)

- III) Rule is made absolute in above terms.
- IV) Criminal Revision Application No.110 of 2021 stands dismissed.
- V) Rule stands discharge.
- VI) Record and proceedings be returned to be learned Family Court, Aurangabad.

(S. G. MEHARE, J.)