



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

CRIMINAL REVISION APPLICATION NO. 225 OF 2022

Sudhir S/o. Govind Warhade,
Aged about 54 years, Occu. - Service,
R/o. Z.P.U.P. School, Dhasalwadi,
Post-Dudha, Tq. & Dist. Buldana - 443 106.

.... **APPLICANT**

// **VERSUS** //

- 1) Sau. Radha W/o. Sudhir Warhade,
Aged about 45 years, Occu.- Business,
- 2) Ku. Sudha Sudhir Warhade,
Aged about 21 years, Occu.-Education,
- 3) Vinay Sudhir Warhade,
Aged about 14 years, Occu.-Education,

No.3 Minor by G.A.L. mother respondent No.1,
All R/o. Ratnaprabha Building, Sai Nagar,
Ajispur Road, Sagwan,
Tq. and Dist. Buldana – 443 001.

.... **RESPONDENTS**

Mr. Vijaykumar Paliwal, Advocate for applicant.
Mr. B.K. Suchak, Advocate for respondents.

CORAM : ANIL L. PANSARE, J.
DATED : AUGUST 22, 2023

ORAL JUDGMENT :

1. Heard. **Admit.** Heard finally by consent of the learned counsel appearing for the parties.

2. The applicant Sudhir has filed present revision application against the respondent wife and the children under Section 397 of the Code of Criminal Procedure (for short, “the Code”) read with Section 19 of the Family Courts Act, 1954, challenging the judgment and order dated 12.08.2022, passed by the learned Judge, Family Court, Buldhana in Petition No. E-01/2022, under Section 125 of the Code.

3. Briefly stated, the marriage between the applicant and the respondent No.1 was solemnized on 15.12.1998. The respondent No.1 is second wife of the applicant. Because of the matrimonial discord, the applicant and respondents are residing separately. The Family Court, by the impugned judgment and order, directed the applicant to pay Rs.5,000/- per month each to respondent No.1 Radha and minor son Vinay towards their maintenance and in addition, directed to pay Rs.5,000/- per month to the respondent Sudha towards her maintenance.

4. The learned counsel for the applicant has invited my attention to paragraph No.8 of the judgment passed by the Family Court. The respondent No.1 Radha, who examined herself as first witness, has deposed that she does not have any source of income. However, in cross-examination, she has admitted that there are two

shops in the house where she is residing at Buldhana. She showed ignorance as to whether the two shops have been given on rent. The Family Court noted that she has not denied of letting shops but has shown ignorance. The Family Court, therefore, held that it is extremely difficult to believe her statement. The Family Court then observed that she might be taking rent from those shops. She has further admitted that she is running a mess. Despite such status, the Family Court has passed above order granting maintenance to wife as well as children.

5. The learned counsel for the applicant contends that he would not mind paying maintenance to the children as it is his duty but, the wife is not entitled for any maintenance, having suppressed material facts.

6. As such, the conduct of the wife before the Court would clearly show that she has suppressed certain crucial information on the point of her earnings. This conduct would disentitle her from seeking any remedy from the Court. It is trite law that a person approaching the Court must approach with clean hands. The respondent No.1, however, has suppressed material facts and, therefore, would not be entitled for any relief.

7. The order of maintenance thus requires modification. Hence, I proceed to pass the following order :-

- (i) The Revision Application is partly allowed.
- (ii) The applicant is directed to pay an amount of Rs.5,000/- (Rs. Five thousand only) per month each to respondent No.2 Sudha and respondent No.3 Vinay w.e.f. 09.01.2020.
- (iii) The respondent Sudha shall be entitled for maintenance till her marriage and respondent Vinay till he becomes major.

The Revision Application No.225/2022 is disposed of in the above terms.

(ANIL L. PANSARE, J.)

Kirtak