



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

CRIMINAL REVISION APPLICATION NO. 252/2023

Dinesh Radheshyam Bhutange .Vs. Vidhi Dinesh Bhutange and anr.

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

Court's or Judge's orders

CORAM : ANIL L. PANSARE, J.
DATE : 05.12.2023

None present for the applicant.

Perused the record. It appears that the husband has filed Petition No.664/2019 for restitution of conjugal rights. The non applicants are the applicant's daughters. They had filed Petition No. E-687/2019, through their mother for maintenance under Section 125 of the Criminal Procedure Code, 1973. It further appears that the wife of applicant has also filed petition No. A/449/2019 seeking divorce.

Learned Judge of the Family Court, Nagpur by common judgment and order dated 26.06.2023 was pleased to dismiss the petition filed by the applicant and decreed the petition filed by the wife and thereby declared that the marriage between the applicant and his wife stands dissolved under Section 13(i)(i-a) of the Hindu Marriage Act, 1955. As regards petition filed by the daughters viz. Petition No. E-687/2019, the learned Judge, Family Court has allowed the same partly and directed the applicant – father to pay maintenance at the rate of Rs.4,000/- per month to each daughter.

The applicant – father has challenged the common judgment to the extent of allowing the petition filed by the non applicants daughters seeking maintenance.

The applicant has though challenged the judgment of the Family Court only to the extent of its order in petition No. E-687/2019, has made an attempt to point out, through grounds raised in the petition, that the Family Court ought to have allowed the petition filed by the applicant seeking restitution of the conjugal rights. On the point of maintenance granted to the children/non applicants, the ground put forth is that the applicant is jobless.

The Family Court has noted that the applicant's wife is a teacher. The applicant projected himself to be labour. However, in the cross-examination, he admitted that he acquired qualification as M.A., B.Ed. and has computer knowledge as well. He was holding license of LIC agent. The Family Court, therefore, disbelieved the theory of applicant that he is working as labour and rightly so. The Family Court has further noted that, in assets and liabilities, the applicant did not disclose his monthly income. The applicant has shown his father to be dependent. However, it is found that his father is a pensioner. The Family Court has further noted that the applicant failed to file on record any cogent material to show that he has extended financial help to his daughters.

On the other hand, the wife in her assets and liabilities has shown her monthly income as Rs.56,266/- per month. She has also given details of her expenditures.

The Family Court, considering the earnings of the wife as also the conduct of the applicant and further considering the expenses that would be incurred on education and other essentials of the children, thought it proper to direct the applicant to bear, at least monthly expenses to the tune of Rs.4,000/- per month for each daughter.

The learned Judge, Family Court has given sound reasoning in support of the finding. In the circumstances, in the revisional jurisdiction, particularly when the applicant or his counsel are absent to assist the Court, I am not inclined to interfere with the judgment passed by the Family Court. The revision is, therefore, dismissed.

At this stage, learned counsel for the applicant appears. He tenders apology. He has been informed of the order passed by this Court.

(Anil L. Pansare, J.)