



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

972 CRIMINAL REVISION APPLICATION NO. 229 OF 2022

Santosh Sahebrao Kadam
Age : 43 years, Occ : Service,
R/o Laxmi Colony, Old Ausa Road,
Latur, Dist. Latur.

..APPLICANT

-VERSUS-

1. Sau. Sonal @ Anuja Santosh Kadam
Age : 33 years, Occ : Nil,
2. Sarthak Santosh Kadam
Age : 6 years, Occ : Education
Under natural guardian Mother
i.e. respondent No.1

Both R/o C/o K B Khadbade
Shri Nagar, Near Shrikrishna Temple,
Backside of Ashwamegh Hotel,
Latur.

..RESPONDENTS

...
Advocate for Applicant : Mr. Hajare Abhishek M.
Advocate for Respondents: Mr.Sachin S. Deshmukh a/w Mr.Yogesh
Birajdar h/f Mr. B. B. Bhise
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**WITH
CRIMINAL REVISION APPLICATION NO. 223 OF 2022**

1. Sonal @ Anuja Santosh Kadam
Age : 30 years, Occ : Household,
2. Master Sarthak Santosh Kadam
Age : 7 years, Occ : Nil
Through his Mother, Applicant No.1
as Natural Guardian
Both R/o : Shirala, Tq. & Dist. Latur

At present C/o K.B. Khadbade
Shri Nagar, Near Shrikrishna Temple,
Backside of Ashwamegh Hotel, Latur,
Dist. Latur.

..APPLICANTS

-VERSUS-

Santosh Sahebrao Kadam
Age : 43 years, Occ : Service as a Principal
R/o Government Industrial Training Institution,
Paranda, Tq. Paranda, Dist. Osmanabad.

..RESPONDENT

...
Advocate for Applicant : Mr.Sachin S. Deshmukh a/w Mr.Yogesh
Birajdar h/f Mr. B. B. Bhise
Advocate for Respondent : Mr.A. M. Hajare

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 23rd APRIL, 2024.

ORAL JUDGMENT :-

1. Both these revisions are directed against the judgment and order dated 26.04.2022 passed by the Family Court, Latur in Petition No.E-35 of 2018. By the said order, the husband is directed to pay amount of Rs.16,000/- as maintenance (i.e. Rs.10,000/- to the wife and Rs.6,000/- to the minor child Sarthak).

2. The impugned judgment is challenged by both the sides. The husband has prayed for cancellation/reducing the amount of maintenance. The wife has prayed for enhancement of amount of maintenance.

3. Brief facts of the case are as under :-

It is the case of the applicant - wife that their marriage was

solemnized on 02.06.2013. After the marriage, she was treated with cruelty on many grounds. The husband and his family members used to demand golden ring and four wheeler. The wife begotten son namely Sarthak on 04.07.2014. The wife and husband thereafter cohabited together but due to the illegal demand, the wife attempted to commit suicide. The wife filed application before the Women's Grievance Redressal Forum, Latur on 17.09.2016. Thereafter, the settlement was arrived. Then they both shifted to Ambajogai, but thereafter also husband could not changed his attitude. He was not providing basic articles to her. Then he left the company of the wife on 24.09.2017, therefore, the wife lodged missing report on 10.10.2017.

4. It is contention of the wife that her husband is Principal of I.T.I. Akkalkuwa, Nandurbar and he is drawing salary of Rs.90,000/- per month. No one is depending upon him. He is also having agricultural land and earning Rs.5,00,000/- p.a. from that agricultural land. The wife has no source of income. She, therefore, prayed for granting Rs.50,000/- per month as maintenance.

5. The husband by filing his reply at Exhibit-70 strongly opposed the petition and admitted the relations. It is also contended that the wife is quarreling with him and his family members. She treated him with cruelty. The husband and family members never demanded anything from her. All the allegations are false, baseless

and imaginary. The husband was residing at Tuljapur as he was posted there. The husband noticed that wife is making phone calls to unknown person, therefore, the meeting was arranged with her parents, but it did not yield any fruits. On 07.12.2014, the wife went to her parents house and returned after 10 months with her relatives and beaten the family members of the husband. Therefore, the report was lodged against the wife and her family members. The wife is taking disadvantage of situation, and therefore, the husband paid some big amount to her parents from time to time. The husband is loving wife but the wife did not stop to talk some unknown person. Wife left the house of husband with her parents after quarrel and went to her parents house along with golden ornaments, some cash amount, clothes etc. Wife could not change her temper, on the contrary she tried to commit suicide and thereafter she filed false complaint to the Women's Grievance Redressal Forum against the husband. She tried to kill her husband, therefore, he left the house on 24.09.2017. Then he appeared before the Police. Wife tried to kill him therefore, he prayed for divorce in the Family Court at Latur. Wife is not ready to cohabit with the husband. Therefore, she is not entitled for maintenance. Wife is having technical education like English and Marathi typing. She is singer. She is earning handsome income. The amount of Rs.5,00,000/- was paid to the wife, which was kept in fixed deposit. When they both were residing in Ambajogai, he kept 25 Tola

and Rs.70,000/- with the wife. She is economically sound and therefore, she is not entitled for any maintenance. On these grounds, the husband prayed for rejection of the petition.

6. The grounds of objections raised in the application of the husband are that the huge amount of maintenance is granted to the wife. The learned trial Court has not properly considered the aspect that she treated the husband with cruelty.

7. The grounds of objections raised in the application of the wife are that the amount of maintenance granted to the wife is insufficient and her growing need is not considered by the trial Court. The income of the husband is proved by salary certificate that he was getting Rs.77,350/-.

8. Heard the learned advocates for both the sides. Perused the impugned judgment.

9. Admitted facts are that both applicant and respondent are husband and wife and their son Sarthak, who is 10 years old, is taking education. Though, the stand was taken by the husband that the wife has source of income, he has not produced any evidence showing that she is having income from her typing and singing skill. The further admitted fact is that the petition filed by the husband for divorce was rejected and appeal is preferred in District Court, Latur. The trial Court, while deciding the quantum of maintenance amount, has considered the deductions of the husband from his salary and

also considered the need of the wife and thereafter concluded that the wife and son Sarthak are entitled for maintenance of Rs.8,000/- each. The reasons are given by the trial Court on the basis of oral and documentary evidence, particularly the income source of the husband and need of the wife and son, therefore, there is no scope for interference in the impugned judgment. No any illegality and perversity is pointed out in the impugned judgment. Therefore, considering the peculiar set of the facts and circumstances of the case, it would be proper to reject both the revision applications.

10. In the result, both the revision applications, being devoid of merit, are rejected.

11. No costs.

(SANJAY A. DESHMUKH, J.)

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