



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

CRIMINAL REVISION APPLICATION NO. 77 OF 2024

APPLICANT : Rohan S/o. Sunilji Tanksale, Age 32  
Years, Occu. Profession, R/o. Plot  
No.21, Omkar Apartment,  
Priyadarshani T-Point, N.I.T.  
Garden Road, Nagpur – 440016.

//VERSUS//

NON-APPLICANT : Rasika Rohan Tankasale, Age 30  
Years, Occu. Pvt. Service, R/o. Plot  
No.6/A, P & T Colony, Telenkhedi  
Layout, Ramnagar, Nagpur –  
440010.

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Mr. A.J. Thakkar, Advocate for the Applicant.  
Mr. D.T. Shinde, Advocate for the Non-applicant.

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CORAM : G. A. SANAP, J.  
DATED : 5<sup>th</sup> AUGUST, 2024.

ORAL JUDGMENT

. Heard finally with the consent of learned advocates for  
the parties.

02] ADMIT.

03] In this revision application, challenge is to the order dated 18<sup>th</sup> December, 2023, passed below Exh.6, whereby the learned Judge of the Family Court directed the applicant/husband to pay the interim maintenance @ Rs.9,000/- per month from 1<sup>st</sup> February, 2022 till the disposal of the petition filed under Section 125 of the Code of Criminal Procedure, 1973 (for short, “Cr.PC”) by the non-applicant.

04] The non-applicant has filed the proceeding under Section 125 of the Cr.PC for maintenance. It is her contention that she has no source of income. According to her, the applicant is earning Rs.85,000/- to Rs.90,000/- per month. The non-applicant, therefore, filed an application for interim maintenance.

05] The application for interim maintenance was opposed by the applicant. It is his principal contention that the non-applicant is not entitled to get maintenance from him. According to him, his marriage with the non-applicant is nullity. He has filed a substantive petition for annulment of the marriage. The ground pleaded for declaring his marriage nullity is that before his marriage with the non-applicant, the non-applicant was already married with one Firoz Khan by converting her religion from

Hindu to Muslim. As far as the income etc. is concerned, it is his contention that the non-applicant is working as a teacher and therefore she is able to maintain herself.

06] The learned Judge of the Family Court considered the evidence adduced by the parties at the stage of deciding the application for interim maintenance and found the non-applicant entitled to get interim maintenance and accordingly quantified it at Rs.9,000/- per month. Being aggrieved by this order, the applicant/ husband is before this Court.

07] I have heard learned advocates for the parties. Perused the record and proceedings.

08] Learned advocates for the parties submit that the proceeding filed under Section 125 of the Cr.PC and the proceeding for annulment of the marriage filed by the applicant are tagged together and fixed for evidence before the learned Judge of the Family Court. It is submitted that both the proceedings, therefore, can be disposed of in the near future.

09] Be that as it may, the question that needs to be examined at this stage is whether the order awarding the interim maintenance

as above, warrants interference or not. The learned Judge of the Family Court has taken into consideration the material placed on record by the parties. The learned Judge, on the basis of the material on record, concluded that the applicant has sufficient means to provide the maintenance to the non-applicant. The learned Judge has observed that, except the pleading in the reply, the applicant/husband has not produced any evidence on record to substantiate his contention that the non-applicant is serving as a teacher. Perusal of the order would show that the learned Judge has taken into consideration the affidavits of assets and liabilities filed by both the parties. The reasons recorded by the learned Judge to grant interim maintenance and to quantify the interim maintenance at Rs.9,000/- per month are consistent with the record. The interim maintenance is a stop-gap arrangement. The Court would be required to decide the final amount of maintenance after a full-fledged trial after recording the evidence.

10] On going through the record, I am satisfied that the learned Judge has not committed any mistake or error in granting the interim maintenance and quantifying the interim maintenance at Rs.9,000/- per month. In view of this, I conclude that there is no substance in the revision application. The revision application is,

therefore, **dismissed**.

11] The observations made in this order are for the purpose of deciding this revision application. The learned Judge shall not in any manner get influenced by these observations while deciding the matter finally.

**(G. A. SANAP, J.)**

Vijay