



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

905 CRIMINAL REVISION APPLICATION NO. 5 OF 2019

**PRASHANT S/O. BABURAO BHAGAT
VERSUS
BABURAO S/O. VITHALRAO BHAGAT AND OTHERS**

.....
Advocate for Applicant : Mr. Panchal Shrinivas H. (ABSENT)
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**CORAM : Y.G. KHOBRAGADE, J.
DATE : 12.06.2025**

PC.:-

1. Though the matter is repeatedly called out even after recess, the counsel for the revision applicant remained absent.
2. Since present revision under Section 397 read with Section 401 of the Cr.P.C., is directed against the judgment and order dated 30.10.2018 passed by the learned Family Court, Nanded, in Petition No. E-49/2018 under Section 125 of the Cr.P.C., therefore, this Court has suo moto gone through the record.
3. The present petitioner is the original respondent no.2 and the respondent nos.1 and 2 are the original applicants in Petition No. E-49/2018. For the sake of brevity, I would like to refer the parties to the present revision in their original capacity.

4. It is not in dispute that, the original applicant nos.1 and 2 are the old aged parents of the original non applicant. The applicants alleged that they nurtured their children by doing labour work and they incurred expenses for their two daughters. They have constructed house of four rooms at Belanagar, Nanded, however, their sons the non-applicant nos.1 to 3 have illegally taken possession of those rooms and prevented them to let out their house. So also, due to old age they are unable to earn their livelihood. The non-applicant no.2 is doing private job and drawing income of Rs.15,000/- per month. Similarly, the original non-applicant no.1 is earning Rs.20,000/- and the non-applicant no.3 is an Auto Driver, therefore, they have claimed maintenance of Rs.2,000/- each per month.

5. The original non applicant nos.1 and 2 are duly served with notices as per report Exh.6 but they did not appear in the matter, though ample opportunities were granted. Ultimately, on 12.09.2018, the learned trial court passed an order and proceeded the matter *ex parte* as against the non-applicant nos.1 and 2. The non-applicant no.3 duly appeared and filed application Exh.10 but subsequently he also remained absent.

6. In order to prove claim of maintenance, the applicant no.1 filed evidence affidavit at Exh.11. On the other hand, the non-applicant failed to adduce the evidence.

7. The original applicant no.1 deposed that, he is selling vegetables for livelihood. Both of them discharged their liability towards the non-applicant as well as daughters. The applicant no.1 deposed that, he purchased a plot at Belanagar and constructed four rooms thereupon in order to let out and to earn for their livelihood, however, the non-applicants have unlawfully taken possession of one room each, hence, they have no source of income. Further, due to old age, both of them are unable to earn, hence, unable to maintain themselves. The non-applicants are not providing any maintenance to them. The applicant no.1 further deposed that, the non-applicant no.1 is a Contractor and earning Rs.20,000/- per month. The non-applicant no.2 is doing private job and drawing income of Rs.15,000/- per month. The non-applicant no.3 runs an auto rickshaw and earns Rs.15,000/- per month, however, their sons/non-applicants neglected to maintain them. The non-applicants did not cross-examine the applicant no.1. Therefore, considering the material available on record and rates of wages provided under the Minimum Wages Act, the learned trial court passed the impugned order and directed the non-applicants individually to pay maintenance @ Rs.1,500/- per month to each of the petitioner from the date of filing of the application, which does not appear exorbitant, illegal or bad in law. Therefore I do not find any substantial grounds to interfere with the above said findings. Hence, the revision is dismissed.