



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 4 OF 2025

Tauheed Gulrej Waheedodin Soudagar
Age : 46 years, Occu : Nil,
R/o. Wahid Residency, Noor Colony,
Thodga Road, Ahmedpur,
Tq. Dist. Latur

...Applicant

Versus

Ayesha Fatema Shaikh Quresh
(Ayesha W/o Fatema Tauheed Gulrej Soudagar)
Age : 29 years, Occu : Teacher,
R/o Arab Galli, Near Darbar Masjid,
Nanded, Tq. & Dist. Nanded

...Respondent

None for the Applicant.
Mr. Shaikh Wajeed Ahmed, Advocate for Respondent.

CORAM : ABHAY J. MANTRI, J.
DATE : OCTOBER 17, 2025

JUDGMENT :

1. None appear for the applicant when the matter is called out.
The learned advocate, Mr. Shaikh, represents the respondent.
2. It appears that on 15th October 2025, the matter was listed for hearing, however, no one has appeared on behalf of the applicant, and therefore, the matter was kept today i.e. 17th October 2025, for further hearing with a direction that no further time will be granted and if applicant fails to work out the matter then the same will be proceeded on its own

merit. Despite the said fact, no one appears on behalf of the applicant. Perused the impugned judgment and record.

3. The applicant – husband has preferred this revision application challenging the judgment and order dated 07th August 2024, passed by the learned Judge, Family Court, Nanded, whereby partly allowed the petition bearing No.E-99/2017, and directed the applicant herein to pay maintenance to the extent of ₹ 5,000/- p.m. to the respondent from the date of filing of the petition.

4. Heard learned advocate for the respondent.

5. It appears that this is a second round of litigation before this Court. Initially, by an order dated 22nd July 2019, the Family Court directed the applicant to pay maintenance of ₹ 7,000/- per month to the respondent. The said order was challenged by him in Criminal Revision Application No.256 of 2019 and this Court by order dated 23rd January 2023, quashed and set aside the said order on the condition that the applicant should pay the interim maintenance of ₹ 4,000/- per month from 28th August 2017, and clear the arrears @ ₹ 4,000/- per month within one month from the date of appearance and matter was remanded back to the learned Family Court for fresh consideration, by permitting the applicant to file the written statement and directed to decide the matter within six (06) months from the date of filing of the written statement. Both parties were directed to appear before the Family Court on 07th February 2023.

6. Pursuant to that, the applicant appeared in the matter and filed his reply and resisted the claim. After considering the evidence on record, the learned Judge, by order dated August 7, 2024, partly allowed the application as stated above. Hence, the applicant has preferred this revision.

7. At the outset, it appears that the respondent-wife filed an application for the grant of maintenance under Section 125 of the Code of Criminal Procedure, 1973 (for short- the '~~Cr. P. C.~~'). After considering the evidence on record, the learned Judge held that the applicant is an able-bodied person and, therefore, directed him to pay maintenance of ₹ 5,000/- p.m. to the respondent, and accordingly passed the order.

8. I have gone through the grounds raised in the revision memo, wherein he has raised ground that the respondent is working as a teacher in Iqra Urdu High School and earning income for her livelihood, however, the learned Family Court failed to consider the said fact in its proper perspective and erred in holding that the applicant is liable to pay maintenance of ₹ 5,000/- to her. It is further averred that the respondent failed to prove ill-treatment to her, and therefore, it is urged that the revision be allowed by setting aside the impugned order.

9. It is pertinent to note that the applicant doesn't dispute that the respondent is his wife, as well as that he is an engineer and residing in Saudi Arabia. It also appears from the verification clause of the affidavit

filed in support of his criminal revision application, wherein he has categorically stated that he is an engineer and residing in Saudi Arabia (KSA). Moreover, in his reply, he categorically admitted that earlier he was receiving a salary of ₹ 40,000/- per month; subsequently, he lost his job, and therefore, he is unable to pay maintenance. However, the learned Family Court considered the aforementioned facts in its judgment, paragraphs 42 to 47, and held that the applicant is an able-bodied person earning between ₹30,000 and ₹ 35,000/- per month.

10. It is pertinent to note that it is an obligation of the husband to maintain his wife. He cannot be permitted to plead that he is unable to maintain her due to financial constraints as long as he is capable of earning a sufficient income. Moreover, a judicial note can be taken that prices of essential commodities are rising. Therefore, it is very difficult for the wife to survive without maintenance or satisfy her daily needs.

11. It is pertinent to note that Section 125 of the Cr. P. C. is a social welfare provision, which must be subjected to an extensive beneficial concern, and this understanding has been extended to maintenance. Similarly, it must be borne in mind that the right to maintenance under Section 125 of the Cr. P. C. is not a benefit received by the wife, but rather the legal or moral duty owed by the husband to maintain his wife. Apart from the above, it is indisputable that the respondent does not reside with the applicant, and the applicant does not provide her with any maintenance;

this itself is sufficient grounds to grant her maintenance.

12. Thus, it appears that the learned Judge, after considering the material on record in paragraph No.47, has categorically held that the applicant is an able-bodied person and earning ₹ 30,000 to 35,000/- per month. Therefore, the respondent is entitled to get maintenance of ₹ 5,000/-. However, the applicant failed to point out any illegality or perversity in the impugned judgment and order to interfere in it in the revisional jurisdiction.

13. Furthermore, the applicant was unable to point out that he doesn't have sufficient means to maintain the respondent, or that the findings recorded by the learned Judge are illegal and perverse to interfere in the revisional jurisdiction. Besides, it appears from the record that the applicant, by not attending the Court, is attempting to deprive the respondent of her right to get maintenance, for which she is entitled. The applicant's conduct also indicates that he wants to prolong the matter rather than contest it on the merits.

14. Consequently, it seems that the application is bereft of merits and stands dismissed. No order as to costs.

15. Needless to clarify that the applicant has to deposit the entire arrears of maintenance amount before the Family Court within eight (08)

weeks from today, failing which, the learned Family Court will take steps to comply with this order.

16. Inform the learned Family Court accordingly.

(ABHAY J. MANTRI, J.)