



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

914 CRIMINAL REVISION APPLICATION NO. 33 OF 2025

Suryawaprakash Prakashchandra Sarvagi
Age-38 years, Occu-Service,
R/o. D-3-323/3, Dipvihar Society (Aparatment)
Behind SBI Bank, Tutaram Square, Ganjipura, ...**APPLICANT**
Dist. Jabalpur, Madhyapradesh [Ori. Respondent]

VERSUS

Vinita Suryaprakash Sarvagi,
Age-33 years, Occu-Household,
R/o. C/o. Shri Dwarkaprasad
Bhagwandin Maurya,
1, Jivan Vikas Colony, ...**RESPONDENT**
Tq. & Dist. Jalgaon, Maharashtra [Ori. Applicant]

Mr. S. S. Ghumare, Advocate for the applicant
Ms Rashmi Kulkarni, Advocate a/w Mr. Rohit Dhongde, Advocate a/w
Mr. Ashish R. Kachole, Advocate for the respondent.

CORAM : ABHAY J. MANTRI, J.

DATE : 08th OCTOBER, 2025

ORAL JUDGMENT:

1. The applicant-husband, being aggrieved by the order dated 05-11-2024 passed by the learned Judge, Family Court, Jalgaon, below Exh. 8 in Petition No. E-138/2023, whereby granted interim maintenance to the respondent of Rs. 10,000/- per month.
2. Heard the learned advocates for the parties and perused the impugned judgment and record.
3. It is pertinent to note that the applicant does not dispute

his relationship with the respondent. The respondent resides separately, and the applicant has not paid her any maintenance.

4. The learned advocate for the applicant vehemently contended that the applicant has an income of Rs. 45,000/-. However, the learned trial court has granted interim maintenance of Rs. 10,000/- by holding that the respondent has claimed that the applicant has an income of Rs. 70,000/-. Therefore, it is urged that the said findings be set aside. During the argument, he pointed out that he had filed an affidavit disclosing his assets and liabilities. He further pointed out that in the affidavit, he stated his income as Rs. 45,000/- and submitted that the granting of interim maintenance of Rs. 10,000/- is exorbitant and required to be reduced. As such, he urged allowing the application partly.

5. On the other hand, the learned advocate for the respondent vehemently resisted the application and submitted that the learned Judge has rightly considered the material on record in para 3, 5 and 6 of the order and rightly held that the applicant has having income of Rs. 70,000/-; therefore, awarded an amount of Rs. 10,000/- as interim maintenance. She further argued that despite the direction of the learned trial court, the applicant failed to produce any document on record to show his income. Therefore, an adverse inference can be drawn against him. She, thus, urged the dismissal of

the revision application.

6. On perusal of the record, at the outset, it appears that none of the parties has produced any documents on record to show the income of the applicant. However, in his affidavit disclosing assets and liabilities, the applicant stated that he has an income of Rs. 45,000/-. On the other hand, the respondent has not produced any documents on record to point out their income. However, the mere assertion of the respondent in the application, as well as the affidavit disclosing assets and liabilities, the learned trial court held that the applicant might have earned an amount of Rs. 70,000/- per month. In my view, the said findings in the absence of any material on record appear to be exorbitant while considering the application for interim maintenance. *Furthermore*, it seems that the respondent has filed an affidavit of evidence before the learned Family Court, and now the matter is fixed before the learned Family Court on 18-10-2025 for cross-examination of the applicant.

7. In my view, the above facts indicate that the proceeding is now on the verge of completion and that none of the parties has produced any documents on record to show that the applicant has an income of more than Rs. 45,000/-. Therefore, in my view, the findings recorded by the learned Judge of the Family Court need to be modified regarding the grant of interim maintenance to the

respondent instead of Rs. 10,000/-. The applicant is liable to pay Rs. 7,000/- per month to the respondent.

8. To sum up the above discussion, it appears that the learned Judge, in the absence of prima facie material on record, drew a conclusion that the applicant might have earned Rs. 70,000/- per month, which is not sustainable in the eyes of the law. Therefore, interference is required in the impugned order.

9. On the other hand, the applicant himself admitted to having an income of Rs. 45,000/- per month. Therefore, in my view, the interim maintenance amount needs to be modified to Rs. 7,000/- instead of Rs. 10,000/-.

10. As such, the criminal revision application is partly allowed and the order dated 05-11-2024 passed by the learned Family Court, Jalgaon, below Exh. 8 in Petition No. E-138/2023 is hereby modified to the extent of payment of interim maintenance, i.e. from Rs. 10,000/- to Rs. 7,000/-. The applicant is directed to deposit the arrears of maintenance amount of Rs. 50,000/- before the learned Family Court, Jalgaon, on or before 17-10-2025, failing which, his right to cross-examination or proceeding will be forfeited. The applicant is further directed to deposit the balance arrears amount before the learned Family Court within four weeks thereafter.

11. Needless to clarify, the applicant shall produce his salary slip/ relevant documents disclosing his income on or before the next date, i.e., 18-10-2025, failing which, the learned trial court is at liberty to take necessary steps to comply.

[ABHAY J. MANTRI, J.]

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