



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 46 OF 2025

Yogesh Narayan Marathe

..APPLICANT

VERSUS

Sandhya Yogesh Marathe
@ Sandhya Baburao Jadhav

..RESPONDENT

....

Mr. S.V. Suryawanshi, Advocate for the applicant
Mr. R.W. Bagul, Advocate for the respondent

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CORAM : ABHAY J. MANTRI, J.
DATE : 15th SEPTEMBER, 2025

ORAL JUDGMENT :

1. Heard finally at the admission stage.
2. The applicant – original non-applicant-husband being aggrieved by the judgment and order dated 25th October, 2024, passed by the learned Judge of the Family Court, Dhule, in Petition ‘E’ No. 157 of 2023, has preferred this revision, whereby granted maintenance of Rs. 15,000/ pm to the respondent.
3. At the outset, it appears that the respondent, being the wife of the applicant, filed an application for the grant of maintenance under Section 125 of the Cr. P. C. against the applicant. The learned Judge, after considering the evidence on record, held that the applicant is liable to pay maintenance of Rs. 15,000/- per month to the respondent from the date of the application

and accordingly passed the impugned order.

4. Learned counsel for the applicant vehemently contended that no proper service was made out on the applicant; despite the same, the Family Court passed the impugned order. However, on perusal of the impugned order, it reflects that the Family Court in paragraph no.12 has observed that despite service of summons, the respondent remained absent. Hence, the matter was proceeded against him. Learned counsel also pointed out page no.21, i.e. summons sent to him by R.P.A.D. Perusal of the endorsement on the said envelope itself indicates that the respondent “*refused*” to accept the summons, and therefore, the same was returned. He tried to point out Google's tracking record of his mobile on the particular date. Since the same is not the authentic copy supplied by the concerned mobile company, the same cannot be relied upon, and therefore, I do not find substance in his contention that no notice was served on him. Hence, I do not see any illegality in the observations made in paragraph no.12 in that regard.

5. He further submitted that the respondent has neither pleaded nor adduced any evidence to show that she was unable to maintain herself. Similarly, the Court, while passing the judgment, nowhere observed that the wife was unable to maintain herself and granted maintenance. However, on queries, he fairly submitted that the respondent is the wife of the applicant; she is not residing with the applicant; she is not earning, and also, he has not paid any financial support/assistance to her; and he fairly admitted that it is

the duty of the husband to maintain his wife, if she is not residing with him or maintaining herself. This is sufficient to draw an inference to answer the objections raised by learned counsel for the applicant.

6. Apart from that, on perusal of the affidavit of the respondent before the Family Court, it clearly appears that the respondent is a household lady. Moreover, on perusal of the application before the Family Court, it is apparent that the occupation of the applicant is shown as 'Household Work'. Similarly, filing of the application under Section 125 of the Code of Criminal Procedure itself is sufficient to indicate that she is unable to maintain herself. Besides, the applicant is duty-bound to maintain his wife. Therefore, I do not find substance in his contention in that regard.

7. It is pertinent to note that Section 125 of the Code of Criminal Procedure 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 Code of Criminal Procedure is not a benefit received by the wife but rather a legal and moral duty owed by the husband to maintain his wife. Undoubtedly, the wife does not reside with the husband, and the husband does not pay her anything for her maintenance. This itself is sufficient to grant maintenance to her.

8. Therefore, in view of the above, I do not find any substance in the contention of learned counsel for the applicant that the respondent has

neither pleaded nor proved that she was unable to maintain herself.

9. The learned Counsel further propounded that the respondent has not given detailed particulars for what purpose she requires the maintenance amount. Therefore, she is not entitled to get maintenance of Rs. 15000/-. I have already observed that the husband is duty-bound to maintain his wife, and for her day-to-day livelihood, he is duty-bound to provide a maintenance amount to his wife to live her life as per her husband's status. In such an eventuality, it is necessary to grant maintenance to her. It is pertinent to note that evidence on record indicates that the applicant is an engineer and earns an amount of Rs . 1,15,552/- per month. After considering the applicant's salary certificate on record in paragraph no. 19, the learned Family Court observed the same. Having considered the income of the applicant, in my view, the amount awarded by the learned Family Court is not excessive. On the contrary, it reveals that the amount granted to her is too meagre than what she is entitled to. Hence, I am not inclined to accept the submissions of learned counsel for the applicant.

10. As a result, the revision application, being devoid of merits, stands dismissed and disposed of.

(ABHAY J. MANTRI, J.)

SSD