



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 88 OF 2025

Pradeep Dadabhau Tikande
Age. 42 years, Occ. Labour,
R/o.Shevga,Tq.Ambad, Dist. Jalna

..APPLICANT

VERSUS

1. Chandrakalabai Pradeep Tikande
Age-40 years, Occ.Labour
R/o Dudhpuri,Tq,Ambad, Dist.Jalna.

2. Swati Pradeep Tikande
Age-22 years, Occu. Education. I
R/o Dudhpuri,Tq,Ambad, Dist.Jalna

..RESPONDENTS

....
Mr. S.J. Salunke, Advocate for the applicant
Mr. V.S. Wakale, Advocate for respondents
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CORAM : ABHAY J. MANTRI, J.
DATE : 03rd OCTOBER, 2025

ORAL JUDGMENT :

1. The applicant-husband, being aggrieved by the judgment and order dated 02nd January, 2025, passed by the learned Judge of the Family Court, Jalna, in Criminal M.A. No. 3 of 2021, which enhanced the maintenance amount from Rs. 900/- per month to Rs. 3,000/- per month for each respondent, has preferred this revision application.

2. Heard learned counsel for the applicant at length and learned counsel for the respondents and perused the impugned judgment and record, as well as the decisions relied on by learned counsel for both parties.

3. At the outset, it appears that initially the respondents, i.e., the wife and daughter of the applicant, have filed Criminal Misc. Application No. 162 of 2006 before the learned Magistrate, Jalna, for the grant of maintenance. After considering the evidence on record, the learned Magistrate allowed the said application and granted maintenance of Rs. 900/- per month each to the respondents. However, learned counsel for the respondents contended that the applicant has not complied with the said order.

4. On 24th July, 2018, the applicant filed an application under Section 127 of the Code of Criminal Procedure (hereinafter referred to as '**Cr. P. C.**') before the Family Court to enhance the maintenance granted in Criminal Misc. Application No. 162 of 2006. After considering the evidence on record, the learned Judge has held that the applicant is liable to pay maintenance of Rs. 3,000/- per month each to the respondents from the date of filing of the application.

5. It is pertinent to note that the applicant is not disputing his relationship with the respondents. Similarly, the applicant has not complied with the order dated 21st August, 2006, in its entirety. However, the learned counsel for the applicant vehemently contended that the applicant does not have sufficient means of income to pay the maintenance. But the Family Court has erred in granting the maintenance of Rs. 3,000/- per month each to the respondents, and therefore, he urged for setting aside the impugned order. However, I do not find substance in his contention, even considering that

nowadays there is an escalation in the prices of essential commodities. Therefore, it would be difficult for the respondents to survive on the maintenance amount of Rs. 900/- per month only, which was granted long back in 2006. Apart from that, there is price inflation; therefore, I am not inclined to his submission that the maintenance enhanced by the learned Judge is exorbitant. In fact, in my view, the enhanced maintenance awarded by the learned Judge is too meagre to satisfy the daily needs of the respondents. The learned Judge should have enhanced the maintenance amount by more than Rs. 3,000/- per month. However, the respondents have not challenged the said order; therefore, it would not be appropriate to consider the same at this stage.

6. Learned counsel for the respondents strenuously argued that the applicant had personal landed property; however, during the pendency of the suit, he transferred the said property to his relative. However, from the 7/12 extract, it appears that the applicant possesses 2R land, and he has not disputed it. Moreover, the applicant is an able-bodied person. Therefore, it is his obligation to maintain his wife and daughter till Respondent No.1 gets remarried and Respondent No.2 gets married or earns an income. The applicant cannot be permitted to plead that he is unable to maintain them due to financial constraints as long as he is capable of earning. Therefore, I am also not inclined to his submission.

7. He further submitted that under Section 125 of the Cr. P. C., there is no mandate to pay the maintenance amount from the date of the application,

and therefore, awarding maintenance from the date of application is contrary to the mandate in Section 127 of the Cr. P. C. In support of his submission, he relied on the judgment of the Calcutta High Court in *Joydeb Chakraborty v. Bharti Chakravarty, 1994 Cri. L.J. 2234* and submitted that the passing of the order from the date of application is contrary to the provisions of law. However, he fairly admitted that there is no bar for the grant of maintenance from the date of application.

8. On the other hand, learned counsel for the respondents has relied on the judgment of the Hon'ble Apex Court in *Rajnesh Vs. Neha and Anr., 2021 AIR (SC) 569* and pointed out paragraph no. 41 onwards and submitted that in view of the dictum laid down in the said judgment, the respondents are entitled to claim the maintenance from the date of application.

9. Perused the judgment in *Rajnesh vs. Neha and Ors.*, the Hon'ble Apex Court, after considering the various decisions of the High Courts as well as the Apex Court, dealt with the question in dispute in paragraphs 71 to 74, 88 to 91, and paragraph No.102, and issued directions to all the Courts “*to bring about uniformity and consistency in the orders and categorically held that in all cases, the maintenance will be awarded from the date of filing of the application for maintenance.*” The Hon'ble Apex Court further considered the intention of the legislature while enacting the provisions and, therefore, held that from the date of application, the wife was entitled to maintenance.

10. In paragraph No.91 of the judgment, the Hon'ble Apex Court also observed that "*the rationale of granting maintenance from the date of the application finds its roots in the object of enacting maintenance legislations, so as to enable the wife to overcome the financial crunch which occurs on separation from the husband.* Financial constraints of a dependent spouse hamper their capacity to be effectively represented before the Court. *Therefore, in order to prevent a dependent from being reduced to destitution, the Hon'ble Apex Court held that it is necessary that maintenance be awarded from the date on which the application for maintenance is filed before the concerned Court.*

11. Thus, in my view, the mandate laid down in the case of **Rajnesh** (supra) is binding on the parties. Therefore, the observations in **Joydeb Chakraborty** (supra) passed in 1994 are hardly of any assistance to the applicant supporting his contentions. Hence, I do not find substance in the contention of learned counsel for the applicant that the learned trial Court erred in granting maintenance from the date of application.

12. Moreover, it is pertinent to note that as per the submission of learned counsel for the respondents, during pendency of the proceeding if the applicant has transferred the land in favour of his relatives, then certainly his conduct can be taken into consideration which itself indicates that with a view to deprive the applicants from getting the maintenance, he has transferred the said land in favour of his relative.

13. It is evident that the learned Judge, after considering the evidence on record, has rightly granted maintenance of Rs. 3,000/- per month to each

respondent. However, the applicant failed to point out that he does not have sufficient means to maintain the respondents or that the findings recorded by the learned Judge are illegal and that an interference of this Court in the revisional jurisdiction is required. That being so, it is apparent that the order passed by the learned Judge is just and proper and no interference is required in the impugned judgment and order in the revisional jurisdiction of this Court. On the contrary, it seems that the applicant has challenged the order for grant of maintenance with a view to depriving the respondents from getting maintenance amount timely, and therefore, in my view and having considered the conduct of the applicant, I am inclined to impose a cost of Rs. 10,000/- on the applicant.

14. As such, the revision application is dismissed with a cost of Rs. 10,000/- (Rupees Ten Thousand). The applicant is directed to deposit the said cost in the Family Court within a period of one month from today. Similarly, it is needless to clarify that the applicant is directed to deposit the arrears of maintenance in the Family Court, within six weeks from today, failing which the Family Court has to take appropriate steps against the applicant to comply with this order.

(ABHAY J. MANTRI, J.)

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