



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

CRIMINAL REVISION APPLICATION NO. 74 OF 2024

1. Chaitanya Shridhar Talegaonkar,
Age: 34 years, Occu: Principal,
R/o. Royal Prestil, Flat No. 1,
Opp. Radhakrushna Temple,
Plot No. 214/B, Bhakti Nagar,
N-1, CIDCO, Sector-B, Aurangabad
 2. Vimal Shridhar Talegaonkar,
Age: 66 years, Occu: Retired Principal,
R/o. Royal Prestil, Flat No. 1,
Opp. Radhakrushna Temple,
Plot No. 214/B, Bhakti Nagar,
N-1, CIDCO, Sector-B, Aurangabad
 3. Shridhar Govindchrya Talegaonkar,
Age: 69 years, Occu: Retired,
R/o. Royal Prestil, Flat No. 1,
Opp. Radhakrushna Temple,
Plot No. 214/B, Bhakti Nagar,
N-1, CIDCO, Sector-B, Aurangabad
- ...Applicants

Versus

1. Swati Chaitanya Talegaonkar,
Age: 33 years, Occu: Household,
R/o. C/o. Sunil Diogambarao Kulkarni,
Flat No. 13, Renukamai Complex,
Devnagari, Darga Road, Aurangabad
 2. Shourya s/o Chaitanya Talegaonkar,
Through G.P.A. Holder
Swati Chaitanya Talegaonkar,
R/o. C/o. Sunil Diogambarao Kulkarni,
Flat No. 13, Renukamai Complex,
Devnagari, Darga Road, Aurangabad
- ...Respondents

- Mr. K. H. Surve, Advocate for the Applicants
- Mr. P. S. Shendurnikar, Advocate for the Respondents

CORAM : ABHAY S. WAGHWASE, J
RESERVED ON : NOVEMBER 17, 2025
PRONOUNCED ON : NOVEMBER 19, 2025

JUDGMENT :

1. Present Revision Petitioner No.1, who is husband of Respondent No.1, is taking exception to the judgment and order dated 11.10.2023 passed in PWDVA Appeal No. 125/2022 by Assistant Sessions Judge, Aurangabad arising out of judgment and order dated 21.07.2022 passed in PWDVA No. 382/2021 by learned Judicial Magistrate First Class, Aurangabad.

2. Facts giving rise to the present proceeding are that present Respondent no. 1, who is wife of present Revision Petitioner No. 1, instituted proceedings under Domestic Violence Act bearing no. 382/2021 alleging domestic violence and hence, seeking protection from the same. In above proceedings, by way of interim maintenance, she also sought Rs. 40,000/-.

The above proceedings were contested by present Revisionist husband and after hearing each of the side, learned JMFC, Court Room No. 9, Aurangabad was pleased to observe that there is domestic violence to the Respondent and she and their son being neglected from being maintained, are entitled for Rs. 25,000/- and Rs. 5,000/- respectively.

Above order was questioned by way of PWDVA Appeal no. 125/2022 by invoking Section 29 of the Protection of Women from Domestic Violence Act, 2005. Learned Appellate Court after hearing both the sides and on re-appreciating the evidence, upheld and maintained the order of trial Court.

Dissatisfied by the above, Revision Petitioner husband has instituted present proceedings.

3. Learned Counsel for the Revisionist point out that Revision Petitioner No. 1 was married with Respondent No. 1 on 30.05.2015 and out of the said wedlock, Respondent No.1 begotten one child. He further submitted that without any just and sufficient cause, as Respondent No. 1 was willing to reside separately from in-laws in spite of present Petitioner No. 1 being sole son, she left his company and went to reside with her parents and thereafter, levelled false allegations of she being victim of domestic violence. He submitted that in fact she herself has left the company of Revisionist on 15.10.2019. Moreover, allegations of physical and mental ill-treatment are baseless and on the contrary, Revision Petitioner No. 1 has helped her to seek admission in B.Ed by bearing all necessary expenses. He further submitted that though he works as headmaster and earns salary, he has to maintain his old age parents. On the contrary, according to him, Respondent no. 1 wife is educated and able bodied and she is working as a

teacher in Narayana School and as such, she has sufficient means and sources to maintain herself as well as their son.

4. Learned Counsel for the Respondents would canvass in favour of the judgment of the Appellate Court as well as Trial Court and would submit that Revision Petitioner No. 1 has admitted that he is headmaster and getting handsome salary to the tune of over Rs. 75,000/-. As there was physical and mental torture and domestic violence, Respondent/Wife constrained to left his company. He further submitted that though at no point of time respondent wife was employed as teacher and even there is no distinct oral or documentary evidence to that extent. For such reasons, impugned order is justified to be correct and it is urged that there is no merits in the revision.

5. It emerges that revisionist are husband and in-laws of Respondent no. 1, who was married to Respondent no. 1 on 30.05.2015. There is no dispute they are husband and wife and they have son Respondent no. 2 out of their wedlock. While instituting proceedings before trial Court, present Respondent had set up a case that she was victim of domestic violence. Husband as well as in laws maltreated her and as it became unbearable, she was constrained to leave the company of the husband with the child and stay with parent. Thereafter, alleging neglect to maintain, she instituted proceedings under domestic violence act seeking

protection from violence and also urged for maintenance to the tune of Rs. 40,000/-. Her case is that husband worked as headmaster in the middle school and earns Rs.75,000/- and he also has landed properties as well as flat. However, there was no distinct evidence in that regard and therefore, learned trial Court rightly precluded it from consideration. However, in the trial Court, present Revision Petitioner no. 1 husband has admitted in his evidence that he works as a headmaster and as such, he also earns salary. Though he has denied receipt of salary to the tune of Rs. 75000/-, it has come by way of his own affidavit of evidence that he earns salary to the tune of Rs. 57,956/- after necessary deductions. As pointed out, though it was his case that wife also earns by working as teacher and he placed document but as it was only pertaining to a call letter/appointment letter and she never having worked or rendering service, is automatically not beneficiary of any salary income. Learned trial Court *prima facie* found that there is reason for her to leave husbands' company and that there is domestic violence and respondent wife to be victim of the same. Admittedly, since respondent wife resided with her parents, there is nothing to indicate that present revisionist was providing for her maintenance or for maintenance of their child and therefore, obviously they both are being neglected from being maintained and as held by learned trial Court, they are thus entitled for maintenance.

6. The only evidence which comes on record regarding actual earning of husband is his salary slip of month of December and February, 2021 are on record which shows that after necessary deductions salary in hand received by him is tune of Rs. 57,956/-. Though contentions of revisionist are that he has to maintain her old age parents, contentions of respondent wife that in-laws are working as President and as an Auditor respectively are not specifically refuted. Taking above salary in hand into consideration and as there is neglect to maintain wife and son, they indeed are entitled for interim maintenance for their survival and bare needs.

7. Learned trial Court has awarded Rs. 20,000/- to respondent wife and Rs. 5,000/- to son. There is nothing to indicate that said amount is excessive or exorbitant. Considering the expenses required for bare minimum survival or to meet daily needs and for education of the son, the quantum awarded by trial Court seems to be just and proper. No fault can be found in the manner of appreciation while arriving to such conclusion. Even no case was made out before First Appellate Court and, therefore, said Court also rightly upheld the trial Court's findings and order. No case being made out on merit in the revision, the same is also required to be dismissed. Accordingly, criminal revision application stands dismissed.

(ABHAY S. WAGHWASE, J.)