



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

923 CRIMINAL REVISION APPLICATION NO. 325 OF 2025
WITH
CRIMINAL APPLICATION NO. 1069 OF 2025
IN REVNST/2834/2025

Shaikh Raju Shah s/o Rajjak Shah,
Age; 54 years, Occ.- Business.
R/o: Plot No.16, Saeeda Colony,
Jatwada Road, Aurangabad.

...APPLICANT
(Original Respondent)

VERSUS

Asiya Begum w/o Shaikh Raju Shah,
Age; 45 years, Occu. : Household,
R/o: At present:- Roshan Gate,
Mujib Colony, Near Sadat Masjid
Aurangabad.

...RESPONDENT
(Ori. Applicant)

...
Advocate for Applicant : Mr. Shaikh Kayyum Najir
...

CORAM : ABHAY J. MANTRI, J.
DATE : 23.09.2025.

ORAL JUDGMENT :

1. The applicant-husband has preferred this Revision Application challenging the judgment and order dated 10.09.2024, passed by the learned Judge, Family Court, Aurangabad, in petition E-No.30 of 2021, whereby, granted maintenance of Rs. 10,000/- p.m. to the respondent from the date of the application.

2. At the outset, it appears that the respondent, the applicant's wife, filed an application for the grant of maintenance under Section 125 of the Code of Criminal Procedure against the applicant. After considering the evidence on record, the learned Judge held that the applicant is liable to pay the respondent Rs. 10,000/- p.m. in maintenance and passed the impugned order accordingly.

3. Learned Advocate for the applicant vehemently contended that no opportunity was given to the applicant to contest the matter or to adduce evidence, and therefore, the impugned order is liable to be set aside. However, on perusal of the judgment, it appears from paragraph No. 10 of the judgment that the respondent has appeared in the matter and filed his reply to the application; however, thereafter, he remained absent continuously and therefore, the matter was proceeded against him. Though he argued that no opportunity was granted to him, in fact, sufficient opportunity was granted to him, but he remained absent and failed to contest the application, and therefore, the matter continued against him. Hence, I do not find substance in his contention to set aside the order and remand the matter to the learned Judge of the family Court for granting him an opportunity.

4. Apart from that, on perusal of the record, it is apparent that the learned Judge, after considering evidence on record, observed in paragraph No.17 that the applicant has a three-storied house and there

are three shops on the ground floor of the said house. The applicant receives Rs. 20,000/- p.m. rent from those shops. Moreover, the applicant has another house of 500 sq. ft. and is receiving rent of Rs. 20,000/- p.m. It is also evident that the applicant possesses five tractors and trolleys. Her testimony was neither challenged nor denied, so there is no reason to disbelieve her testimony. The Learned Judge has rightly considered her testimony and the material on record. Similarly, the applicant has produced the vehicle particulars of the two tractors on record and a 7/12 extract of Gut NO. 316 of the village Jatwada, Harsul, District Aurangabad and 7/12 extract of the land Gut No. 225/2/4 of village Harsul, District Aurangabad, and documents regarding plot No. 36 on record. Those documents themselves indicate that the applicant has possessed ample properties. Likewise, he is doing business in supplying building materials and earning money from them. Considering the unchallenged evidence of the respondent and material on record, the learned Judge of the Family Court has granted the respondent maintenance of Rs. 10,000/- p.m.. Therefore, I do not find any substance in his contention that the learned judge has granted an exorbitant amount of maintenance to the respondent.

5. On perusal of the impugned judgment, the order reveals that in paragraph Nos. 17 to 19, the learned Judge has discussed in detail the means of income of the applicant and held that the

respondent is entitled to get maintenance of Rs. 10,000/- p.m. and directed the applicant to pay the said amount to the respondent. The finding recorded by the learned Judge is based upon proper appreciation of evidence. The learned Advocate for the applicant failed to point out any illegality or perversity in the impugned order. *Furthermore*, the applicant was unable to point out that he does not 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.

6. Needless to say, the order of the learned Judge is not manifestly perverse. There is nothing predictable that shows that the order is a sanctuary of errors. In fact, the order is passed by the learned Judge on proper appreciation of evidence. *“It is pertinent to note that it is an obligation of the husband to maintain his wife, and he cannot be permitted to plead that he is unable to maintain her due to financial constraints, since he is capable of earning.”*

7. Besides, a judicial note can be taken that there are rises in the prices of the essential commodities; therefore, the maintenance amount granted to the respondent appears too meagre to satisfy her daily needs. The respondent-wife is living independently and is entitled to a level of maintenance that reflects the standard of living she enjoyed during the marriage, which reasonably secures her future.

8. Thus, perusing the record and impugned order, it appears that the applicant failed to maintain the respondent when he has sufficient means of income to maintain her. Consequently, it seems that the order passed by the learned Judge is just and proper; hence, no interference is required in the impugned judgment under the revisional jurisdiction at the hands of this Court. That being so, the application, being bereft of merit, stands dismissed.

9. Inform the learned Judge of the Family Court, Aurangabad, accordingly.

10. In view of the dismissal of the Criminal Revision Application, the Criminal Application No. 1069 of 2025 stands disposed of.

(ABHAY J. MANTRI, J.)