



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 285 OF 2025

Arastol @ Sunandabai W/o Madhukar Khairnar,
Age : 70 years, Occu. : Nil,
Residing at Bus Stand, Dhule.

... Revisionist
(Orig. Claimant)

Versus

Vandanabai W/o. Shivaji Patil,
Age : 30 years, Occu. : Business,
Tailoring Boutique and Beauty Parlor,
Residing near Radhika Chakki,
Adjacent to Water Tank,
Besides Stadium, at Zenda Chouk,
Devpur, Dhule.

... Respondent
(Orig Respondent - Daughter)

.....

Mr. Hemant S. Surve, Advocate for Applicant – Revisionist (Through V.C)
Ms. Akshara S. Madake, Advocate for Respondent (Appointed through
Legal Aid)

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 12 NOVEMBER 2025

PRONOUNCED ON : 18 NOVEMBER 2025

JUDGMENT :

1. Revisionist herein takes an exception to the judgment and order of the learned Family Court, Dhule dated 15.02.2023 by which prayers for grant of maintenance at the hands of respondent daughter are turned down.

2. Present respondent instituted proceedings under section

125(1) of the Code of Criminal Procedure vide Petition E. No. 1 of 2021 praying for maintenance at the hands of respondent i.e. her daughter. Learned Family Court, Dhule recorded the evidence and by judgment and order dated 15.02.2023 rejected the application of revisionist.

Feeling aggrieved by the same, present Revision Application has been filed.

3. Learned counsel for revisionist Shri Surve would submit that parties are mother and daughter. That, revisionist is old aged lady and a Senior Citizen of almost 67 years of age. That, since present respondent i.e. her daughter was two years of old, revisionist had taken care of the daughter and fulfilled her needs including providing education, performing marriage, etc. That, such responsibilities are shouldered on the widow as she had lost her husband. He further submitted that, by doing household work had performed marriage of respondent daughter and had subsequently also extended financial help to the tune of Rs.2,00,000/- for construction of house of respondent daughter. That, now, she being old and infirm, is unable to render work and earn, and therefore, it is his submission that, it was duty of daughter to take care of her mother, more particularly, she brought in above circumstances. That, now revisionist is in need of both, mental and financial support and when the same was sought, daughter has flatly refused. Therefore, it is

submitted that, she was constrained to institute proceedings. That, law and legislature has provided for maintenance for senior citizens by their wards. Respondent has utterly failed to do the same. According to him, even learned trial court reached to a finding that mother is being neglected and children being liable to maintain their old parents, prayers for maintenance are turned down by erroneously holding that daughter has no sufficient means. According to him, legal precedents are not correctly appreciated nor factual circumstances are taken into account. Hence, he urges for indulgence.

4. On the other hand, learned counsel for respondent pointed out that, there is no dispute about relations. There is no dispute that present respondent was married. However, averments and submissions about providing an amount of Rs.2,00,000/- for construction of house and allegations of inflicting cruelty are refuted. Learned counsel for respondent invited attention of this court to the observations of the Family Court, more particularly in paragraph nos.27, 28, 29 and 30 and would point out that respondent has merely passed 9th standard. She is homemaker and she does not have her own independent sufficient means to meet the demands of revisionist. Learned counsel seeks reliance on the judgment of the Hon'ble Apex Court in the case of ***Dr. (Mrs.) Vijaya Manohar Arbat v. Kashi Rao Rajaram Sawai and Anr. [1987 AIR 1100;***

1987 SCR (2) 331] and urges to dismiss the revision for want of merits.

5. The short question for consideration here is whether present revisionist is entitled to receive maintenance and financial support from her daughter on she being neglected and whether in spite of having sufficient means, respondent daughter has failed to provide for the maintenance.

6. Evidence recorded before the learned trial court is visited and re-appreciated. Apparently and admittedly, there is no dispute that revisionist and respondent are mother and daughter, respectively. Revisionist mother has invoked provisions under section 125 of Cr.P.C. and prayed for directions to her daughter to provide her maintenance as she is old age. She has averred both, in the petition as well as in evidence that, in the capacity of widow she has taken care of her daughter and has spent for her upbringing and had also performed her marriage and even given Rs.2,00,000/- for construction of house. All such contentions are refuted by respondent saying that her mother has merely performed her obligation. She has flatly denied maltreatment and has also refuted that mother gave her Rs.2,00,000/- for construction of house. Admittedly, there is no evidence in support of such contentions raised by revisionist.

7. The learned trial court has discussed the entire evidence and has relied on the judgment of ***Dr. (Mrs.) Vijaya Manohar Arbat (Supra)***.

In the said rulings, the Hon'ble Apex Court has observed as under :

*“It is true that Clause (d) has used the expression "his father or mother" but, in our opinion, the use of the word 'his' does not exclude the parents claiming maintenance from their daughter. Section 2(y) Cr.P.C. provides that words and expressions used herein and not defined but defined in the Indian Penal Code have the meanings respectively assigned to them in that Code. Section 8 of the Indian Penal Code lays down that the pronoun 'he' and its derivatives are used for any person whether male or female. Thus, in view of Section 8 IPC read with Section 2(y) Cr.P.C., the pronoun 'his' in Clause (d) of Section 125(1) Cr.P.C. also indicates a female. Section 13(1) of the General Clauses Act lays down that in all Central Acts and Regulations, unless there is anything repugnant in the subject or context, words importing the masculine gender shall be taken to include females. Therefore, the pronoun 'his' as used in Clause (d) of Section 125(1) Cr.P.C. includes both a male and a female. In other words, the parents will be entitled to claim maintenance against their daughter provided, however, the other conditions as mentioned in the section are fulfilled. **Before ordering maintenance in favour of a father or a mother against their married daughter, the court must be satisfied that the daughter has sufficient means of her own independently of the***

means or income of her husband, and that the father or the mother, as the case may be, is unable to maintain himself or herself.”

Here, in view of such settled legal position, predominantly revisionist failed to demonstrate that, her daughter in spite of having sufficient means of her own, had deliberately neglected in providing for her maintenance and has neglected her mother. It has come on record that, respondent is a homemaker and she is not earning anything by rendering any type of work. She has her own children to be brought up. When there is nothing to indicate distinct earnings or sufficient means with daughter, no fault can be found on the part of trial court in refusing to grant relief. No perversity or illegality is brought to the notice so as to interfere in the findings arrived at by the learned trial Judge. Finding no merits, I proceed to pass the following order :-

ORDER

The revision application is dismissed accordingly.

(ABHAY S. WAGHWASE, J.)