



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

910 CRIMINAL REVISION APPLICATION NO. 124 OF 2025

1. Panchfula W/o Rajabhau Chavan,
Age: 50 years, Occ: Household,
2. Monika D/o Rajabhau Chavan,
Age: 28 years, Occ: Education,
3. Mayura D/o Rajabhau Chavan,
Age: 26 years, Occ: Education,

R/o of All Rio Kazi Baag, Dargha
Road, Parbhani.

....APPLICANTS

VERSUS

Rajabhau S/o Bhaurao Chavan,
Age: 59 years, Occ: Service,
R/o Dargah Road, Parbhani,
At present, Hasarjan Near Govt.
Hospital, Vishnupuri, Nanded,
Dist. Nanded.

...RESPONDENT

...
Advocate for Applicants : Mr. Sandip P Rathod

...

WITH

CRIMINAL REVISION APPLICATION NO. 85 OF 2025

Rajabhau S/o Bhaurao Chavan,
Age : 58 yrs., Occ: Retired,
R/o: Dargah Road, Parbhani,
A/P - Hasarjan Near Govt. Hospital,
Vishnupuri Nanded, Dist. Nanded.

...REVN. PETITIONER
(Orig. Respondent)

VERSUS

1. Panchfula Wo Rajabhau Chavan,
Age : 50 yrs., Occ. Household,
R/o : Kazi Baag, Dargah Road,
Parbhani, Dist. Parbhani.
2. Monika D/o Rajabhau Chavan,
Age : 25 yrs., Occ. Private Service,
R/o : Kazi Baag, Dargah Road,
Parbhani, Dist. Parbhani.
3. Mayuri D/o Rajabhau Chavan,
Age : 22 yrs., Occ. Education,
R/o : Kazi Baag, Dargah Road,
Parbhani, Dist. Parbhani.

...RESPONDENTS
(Orig. Petitioners)

...
Advocate for Respondents : Mr. Sandip P Rathod
...

CORAM : ABHAY J. MANTRI, J.
DATE : 01.10.2025.

ORAL JUDGMENT :

1. Heard the learned Advocate for the applicants in application No.124/2025. None appears for the respondent. Perused the applications, impugned order and the record.

2. It is pertinent to note that on 26.09.2025, learned Advocate Mr. R.M. Gaikwad h/f Mr P.M. Gaikwad appeared on behalf of the respondent and orally sought time to file Vakalatnama. Therefore, by consent, the matter was adjourned for hearing today; however, no one appeared for the respondent in petition No. 124 of 2025 and the Applicant in Application No. 85 of 2025.

3. By these applications the applicants in respective application are challenging the common order, dated 18.12.2024, passed below Exh. 1 and 61 by the learned Judge of the Family Court, Parbhani, in Petition ER No. 110 of 2021, whereby, partly allowed the application and directed the Drawing and Disbursing officer/employer of the respondent to deduct Rs. 3,48,460/- from the retiral benefits of the respondent and the amount of Rs. 7,000/- p.m. from the pension of the respondent and to pay it to petitioner No. 1, therein towards her maintenance from 02.12.2024.

4. It is worth noting that the respondent, i.e., the husband, is aggrieved by the order dated 18.12.2024 passed below Ech. 61 in Petition No. ER-110 of 2021 has preferred the Revision Application No. 85 of 2025 through learned Advocate Mr. PM. Gaikwad. Despite this fact, none appeared for the applicant in the said application.

5. It is evident that the original applicant/wife and the original respondent/husband are challenging the order dated 18.12.2024, passed below Exh. 61 by learned Judge of the Family Court, Parbhani, in petition ER-110 of 2021, by these two applications. Therefore, both applications are taken together for hearing; as such, it would be proper to pass a common order in both applications.

6. At the outset, it appears that the applicant, i.e., the wife, has filed maintenance proceedings under Section 125 of the Code of

Criminal Procedure against the respondent/husband. The said proceeding was concluded on 27.09.2021, and the learned Judge of the Family Court, Parbhani, by judgment and order dated 27.09.2021 in petition E-16 of 2020 (Old No"Cri. M.A. No" 852/2015), partly allowed the application as under :

"Order.

1- *Petition stands partly allowed.*

2- *The respondent shall pay Rs. 6000/- (Rs Six thousand only) per month to petitioner No.1, and Rs. 3000/- (Rs. Three thousand only) per month to petitioners Nos . 2 and 3, till they attain the age of majority, as maintenance amount from the date of petition, i.e. 13.10.2015.*

3- *He shall also pay Rs. 3000/- (Rs. Three thousand only) to the petitioners towards the costs of the petition.*

4- *The petitioner No.1 is entitled to an increase of Rs. 600/- p.a. The first increase will be applicable on 1.10.2016 and thereafter, onwards.*

5- *The petitioner Nos. 2 and 3, are entitled to Rs. 300/- p.a in the maintenance amount granted, till they attain the age of majority. The first increase will be applicable on 1.10.2016, and thereafter onwards, if so applicable.*

6- *The certified copy of the order be given to the applicant at free of costs."*

7. The learned Advocate for the applicant further submitted that none of the parties has challenged the said order. Thus, it seems that the said order has attained finality. Then, during the execution proceedings, the applicants filed an application at Exh. 61 for execution

of the judgment and order dated 27.09.2021, wherein the learned Judge of the Family Court, Parbhani, partly allowed the said application Exb. 61 on 18.12.2024 and directed the Drawing and Disbursing Officer/employer of the respondent, to deduct Rs. 3,48,460/- from the retirement benefit of the respondent and to pay it to the petitioners towards the arrears of maintenance accrued till 01.12.2024. It is further directed to the said authority that the amount of Rs. 7,000/- p.m. shall be deducted from the pension of the respondent and to pay it to the petitioners herein towards her maintenance from 02.12.2024 and deposited it in the Saving Bank Account of the petitioner therein. as mentioned therein.

8. Learned Advocate for the applicants submitted that as per the order dated 27.09.2021, the petitioner therein is entitled to an amount of Rs. 11,400/-; however, the learned Executing Court directed to deduct only an amount of Rs. 7,000/-. Therefore, he urged the modification of the order. Furthermore, the applicants, in ground (W) of their petition, stated that the respondent is receiving an amount of Rs. 30,240/- p.m.; therefore, the applicants are entitled to get maintenance of Rs. 11,400/- from the said pension. He further canvassed that the said amount will increase from today, and the applicant would be entitled to 12,000/- p.m. maintenance from the said pension.

9. It is pertinent to note that it has not come before the Court

that the parties have challenged the order dated 27.09.2021 before any Court, nor does it appear from the petition No. 85 of 2025 of the respondent that he has challenged the said order to the Superior Court. Therefore, the said order attained finality and binding on the parties, and there is no reason for non-compliance with the said order. As per the said order, the applicant has been entitled to maintenance since 13.10.2015, and the said maintenance amount increased by Rs. 600/- p.m. The first increase will be applicable from 01.10.2016, which means the applicants are entitled to maintenance of Rs. 12,000/- p.m. from today. As such, I found substance in the contention of the learned Advocate for the applicants in that regard. On the contrary, nothing has been brought on record by the respondent to show that the respondent husband is not liable to pay maintenance as claimed by the applicants.

10. On perusal of the impugned order, it appears that the learned Judge in paragraphs 12 and 13 of the judgment discussed the order dated 27.09.2021. However, only on the ground that a person is now retired, and therefore, it is restricted to deduct the amount to the extent of Rs. 7,000/- p.m. The said finding recorded by the learned Judge is contrary to the rule and therefore, in my view, the said order is liable to be modified, based on the order dated 27.09.2021.

11. The respondent/husband in his application raised several grounds; however, he failed to point out how the impugned order is

manifestly perverse or contrary to the provisions of law, or it is illegal, and therefore, I do not find any substance in the application of the husband to challenge the said order. It is pertinent to note that the husband has not challenged the order dated 27.09.2021. Therefore, the said order is binding on him and as per the said order, the applicant/wife is entitled to recover the arrears of maintenance amount.

12. In view of the above discussion, I do not find any substance in the Criminal Revision Application No. 85 of 2025, and the same is therefore dismissed as being bereft of merit. On the contrary, I found substance in the Criminal Revision Application No. 124 of 2025, as such, the impugned order is liable to be modified to the extent of Clause (iii) of the order i.e. *“the authorities shall deduct the maintenance amount as per the order dated 27.09.2021 from the pension of the husband instead of Rs. 7,000/- p.m. as observed above in para 11.”*

13. As a result, Criminal Revision Application No. 85 of 2025 is dismissed, and Criminal Revision Application No. 124 of 2025 is allowed in the above terms.

14. No order as to the costs.

(ABHAY J. MANTRI, J.)