



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 146 OF 2022

Hanumant Rajasaheb Magar,
Age: 39 Years, Occu: Service,
R/o. Plot No. 175, Swaraj Nagar,
Behind Guru Lawns, Survey No. 48,
Mukundwadi. Dist. Aurangabad

...Applicant

Versus

1. Rajashri Hanumant Magar,
Age: 32, Occu: Service,
R/o C/o Mohan Narayan Hendge
Plot No. 44, Rajiv Gandhi Nagar,
N-2, CIDCO, Near Shani Mandir,
Aurangabad

2. Shrawani d/o Hanumant Magar
Age: 13 years, Occ: Student
(Minor, U/g of respondent no. 1)

...Respondents

- Mr. Abhishek Kulkarni, Advocate for the Applicant
- Mr. B. N. Magar, Advocate for the Respondent

CORAM : ABHAY S. WAGHWASE, J
RESERVED ON : NOVEMBER 17, 2025
PRONOUNCED ON : NOVEMBER 25, 2025

ORDER :

1. Present Revisionist, who is husband of Respondent No.1, is taking exception to the judgment and order dated 02.03.2022 passed in Petition No. E-278/2016 by learned Judge, Family Court, Aurangabad, by which learned Family Court was pleased to enhance compensation awarded by Trial Court to wife and daughter.

2. Background in nutshell giving rise to the revision are as under:

Present Respondent No.1-Wife, on behalf of herself and minor daughter, had filed proceedings under Section 125 of Code of Criminal Procedure (Cr.PC) seeking maintenance from the present Revisionist-Husband on the premise that after marriage of revisionist and respondent no. 1 dated 06.05.2007, respondent no. 2-daughter was born out of their wedlock on 05.08.2008. Her accusations are that, shortly after marriage she was told by her mother-in-law that she intended to marry revisionist to her brother's daughter. They would not allow her to conceive and she was insulted and subjected to cruelty. Even revisionist-husband inflicted cruelty as well as domestic violence and, therefore, she was constrained to leave the company of the husband and go back to reside with her parents. From there, she instituted above proceedings and alleging neglect to maintain herself as well as daughter and sought maintenance.

3. Present revisionist-husband contested above proceedings denying above allegations of cruelty, neglect and put up a case that, wife on her own accord has left his company without just reason and, therefore, there being no neglect, she is not entitled for maintenance.

Both parties adduced evidence at Exhibits 18 and 36 respectively, which were duly appreciated by learned Family Court, who was pleased to record findings that husband, in spite of having sufficient means,

neglected to maintain wife and daughter and, therefore, wife and daughter are entitled for maintenance and accordingly, granted maintenance to the tune of Rs. 3,000/- to wife and Rs. 7,000/- to daughter.

4. Record shows that wife had also instituted PWDVA proceeding bearing no. 695/2015 before JMFC, Court No. 10, Aurangabad and the same was partly allowed awarding maintenance of Rs. 10,000/- to wife and to pay compensation. The same though sought to be challenged, on account of delay, the said appellate proceedings are not instituted.

Primarily now, dissatisfied by judgment and order dated 02.03.2022 passed in Petition No. E-278/2016, revisionist husband has approached this Court by filing instant revision on various grounds raised in the revision memo.

5. Sum and substance of the arguments put-forth by learned Counsel for revisionist-husband are that false complaint has been filed by respondent/wife. That, there was no neglect to maintain, rather she on her own accord has left his company without just cause and, therefore, not entitled for maintenance. He further pointed out that there is evidence before learned Trial Court that wife is working in computer center and earning salary and, therefore, was not entitled to for any monetary relief. That, such facts were suppressed. He submitted that husband has rather filed divorce proceedings against respondent and the same was allowed,

which were taken exception to by wife and appeal is still pending. Therefore, in view of wife herself earning and having sufficient means, it is his case that learned Trial Court ought not to have granted maintenance.

6. Above submissions are countered and answered by learned Counsel for Respondents by pointing out that apart from inflicting cruelty and domestic violence, as there was no sufficient means to maintain herself and even provide for better education of the minor daughter, maintenance was sought. That, now daughter is studying in 12th standard and, therefore, learned Trial Court was justified in passing impugned order. For above reasons, impugned judgment is sought to be kept intact.

7. After hearing the submissions of both sides, here, there is no dispute that parties are husband and wife respectively. There are volley of allegations and counter allegations against each other. Parties have also adduced their affidavit of evidence at Exhibits 18 and 36 respectively. As regards to earning of husband to provide maintenance is concerned, according to wife, he runs computer center and also has landed property. His both parents are also earning. Visited the exhibits as well as cross faced by each of the parties. Though husband has set up a case that he is working as delivery boy, the same has not been proved and rather in his own cross admission has come regarding running computer center. His mother is shown to be receiving pension of her father, therefore, his contentions that

he has to maintain his old age parents and shoulder their responsibility is incorrect. It having come on record that he is running computer center as well as landed property, there is reason to hold that he is having sufficient means of earning.

8. Affidavit of evidence of wife shows that, she is separated from him and residing with her daughter at her parents place. Though she initially denied sufficient means, it has come on record that she too works as computer operator and earns Rs. 9,000/-. Question is, therefore, whether with such evidence suggesting earning by wife, whether she is entitled to further maintenance for herself as well as her daughter.

In considered opinion of this Court, when husband has not denied education of daughter, definitely with income of Rs.9,000/- only, it is difficult for wife to sustain herself as well as to meet the ever rising needs of her daughter who is pursuing education and, therefore, amount of Rs.9,000/- though earned by her, are apparently insufficient. Consequently, this Court finds no infirmity on the part of trial court in granting Rs. 3,000/- to wife and raising quantum to Rs. 7000/-.

9. Submission made before this Court is that being beneficiary of monetary relief under domestic violence proceedings, she is not entitled to receive monetary relief in other relief has no substance. The Hon'ble Apex court has clarified in the case of *Rajnesh vs. Neha and Another, 2020 (6)*

Supreme 322 that wife is entitled to maintain proceedings under distinct statutes. Considering the current rise in expenses, the quantum awarded to respondent cannot be said to be excess or exorbitant so as to call it perverse.

10. In view of above discussion, as this Court finds that no case being made out on merit in the revision, the same is required to be dismissed. Accordingly, criminal revision application stands dismissed.

(ABHAY S. WAGHWASE, J.)

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