



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 130 OF 2023

Dilip Baburao Dolas

Age : 53 years, Occu : Service,

R/o. Panchasheel Nagar, Beed,

Tq. and Dist. Beed.

At Prasent Shivani, Tq. and Dist. Beed.

..APPLICANT

VERSUS

Chaya Dilip Dolas

Age : 43years, Occu : Household,

R/o. Panchasheel Nagar, Beed,

Tq. and Dist. Beed.

..RESPONDENT

....
Mr. A.R. Gaikwad, Advocate for the applicant
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CORAM : ABHAY J. MANTRI, J.

DATE : 15th OCTOBER, 2025

ORAL JUDGMENT :

1. The applicant-husband has preferred this revision application challenging the judgment and order dated 01st February, 2023, passed by the Judge of Family Court, Beed, in Petition No. E-216 of 2020, thereby directed him to pay the maintenance of Rs. 15,000/- per month to the respondent-wife from the date of the petition.

2. Heard learned counsel for the applicant. None appeared for the respondent. Perused the impugned judgment and the record.

3. At the outset, it appears that the respondent, being the wife of the applicant, has filed a petition under Section 125 of the Code of Criminal Procedure (for short- *Cr. P. C.*) against the applicant, wherein the applicant appeared and resisted the application. After considering the evidence on record, the learned Judge allowed the petition and directed the applicant to pay the maintenance of Rs. 15,000/- per month to the respondent from the date of the petition. Hence, this revision application.

4. It is pertinent to note that the applicant does not dispute his relationship with the respondent or that she resides separately from him.

5. Learned counsel for the applicant vehemently contended that the applicant never deserted the respondent. Still, the respondent herself left the company of the applicant without any reason, and therefore, the respondent is not entitled to claim maintenance. However, perusing the impugned judgment and record, it appears that the respondent in her application and evidence categorically stated and deposed that the applicant was having an illicit relationship. Therefore, she lodged the complaint against him. Also, she is residing separately, and the filing of the application itself indicates that the applicant is not maintaining her; therefore, she has filed the complaint. In view of this, I do not find substance in his contention in that regard.

6. Secondly, he emphasised that the applicant has obtained a housing loan of Rs. 20 lakhs, and he is paying an instalment of Rs. 15,500/- per month for the same, and he is getting a salary of Rs. 27,500/-. However, the

applicant is not disputing that he is an Assistant Teacher and is getting a monthly salary of Rs. 78,025/-. Similarly, the respondent resides in the house owned by the applicant; however, the learned Judge has not considered the said fact while granting maintenance amount, and therefore, he urged to reduce the said maintenance amount from Rs. 15,000/- to Rs. 10,000/-. However, on perusal of the evidence as well as the record, it appears that the applicant is an Assistant Teacher and his gross salary was Rs. 90,950/- and after deducting the professional tax, income-tax, etc., it still comes to Rs.80,000/- and the amount granted by learned Family Court is Rs.15,000/- i.e. less than 25% of the net salary of the applicant. It is pertinent to note that deduction of the installment of the housing loan and other deductions, except statutory deduction, cannot be helpful for the applicant to say that he is getting net salary of Rs.27,500/- only, but his net salary even assuming as per his contention is Rs.70,000/-, and therefore, I do not find substance in his contention.

7. Apart from that, it can be noted that the applicant is an Assistant Teacher. He has been working as an assistant teacher for more than 25 years; hence, his gross salary might have been above Rs. 1 lakh. In such an eventuality, I do not find any substance in his contention that the Family Court has awarded exorbitant maintenance.

8. I have perused the impugned judgment. The learned Judge in paragraph nos. 9 to 11 of its judgment has discussed the income of the

applicant and, after considering the same, held that the applicant is liable to pay maintenance of Rs. 15,000/- to the respondent. Even assuming the contention of learned counsel for the applicant that the respondent is residing in the house owned by the applicant, in that case also, in my view, the amount of maintenance awarded by the Judge of the Family Court is not exorbitant. However, the applicant failed to point out that the findings recorded by the learned Judge are manifestly perverse. Nothing perceptible shows that the findings recorded in judgment are a sanctuary of errors. On the contrary, the order passed by the learned Judge is justifiable and based on an appreciation of evidence. Therefore, I do not find substance in his contentions to reduce the amount of maintenance.

9. It is pertinent to note that it is the husband's obligation to maintain his wife. He cannot be permitted to plead that he is unable to maintain her due to financial constraints as long as he is capable of earning. It is to be noted that the husband has to fulfil her day-to-day needs; he is duty-bound to provide a maintenance amount for her to live her life as per his living standards. In such an eventuality, it is necessary to grant maintenance to her. As observed above, the applicant has sufficient means to earn the money. *Besides*, judicial notes can be taken that there is a rise in the prices of essential commodities. Therefore, the maintenance amount granted to the respondent also appears to be too meagre to satisfy her daily needs.

10. *Consequently*, the revision application being devoid of merits, stands dismissed. No order as to costs. The applicant is directed to pay arrears of maintenance, if any, to the respondent or deposit the same in the Family Court within six weeks from today, failing which the learned Judge has to initiate appropriate steps to get compliance with this order. Needless to clarify, in view of the mandate in *Rakhi Sadhukhan Vs. Raja Sadhukhan, AIR 2025 SC 3268*, the applicant shall pay 5% increase after every two years from this date on the maintenance amount.

(ABHAY J. MANTRI, J.)

SSD