



N THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 160 OF 2025

1. Anil Jagannath Jadhav,
Age: 46 years, Occ: Hotel Field worker,
R/o : Room No. 112, First Floor,
Vitthal Co-operative Housing Society,
Shivraod, Ulhasnagar-1, Dist. Thane.
2. Jagannath Keshav Jadhav,
Age : 75 years, Occ: Retired,
R/o: Room No. 112, First Floor,
Vitthal Co-operative Housing Society,
Shivraod, Ulhasnagar-1, Dist. Thane.
3. Bebibai Jagannath Jadhav,
Age : 68 years, Occ: Nil,
R/o : Room No. 112, First Floor,
Vitthal Co-operative Housing Society,
Shivraod, Ulhasnagar-1, Dist. Thane.
4. Suvarna Santosh Ahire,
Age : 45 years, Occ: Private Service,
R/o: Century Riyon Colony,
Kalyan, Dist. Thane.
5. Sulochana Jagannath Jadhav,
Age : 43 years, Occ: Housework,
R/o: Near Diwa Junction,
Railway Station, Diwa, Dist. Thane.
6. Varsha Jagannath Jadhav,
Age : 39 years, Occ: Housework,
R/o : Mandarli road,
Badlapur (W), Dist. Thane.
7. Sunanda Vijay Baviskar,
Age : 52 years, Occ: Housework,
R/o: 3rd Floor, Vithhal Co-operative
Housing Society, Shivraod,
Ulhasnagar-1, Dist. Thane.

8. Vijay Vithhal Baviskar,
Age : 57 years, Occ: Service,
R/o: 3rd Floor, Vithhal Co-operative
Housing Society, Shivraod,
Ulhasnagar-1, Dist. Thane.

... Applicants

Versus

1. The State of Maharashtra,
Through its Secretary,
Home Department, Mantralaya,
Mumbai-32.
2. Suniya Anil Jadhav,
Age - 41 years, Occu- Private tuition,
R/o.: C/o Gautam Dinkar Sonawane
67, Kalikadevi Nagar, Sakri Road,
Dhule.
3. Tanishq Anil Jadhav,
Age - 21 years, Occu- Education,
R/o.: C/o Gautam Dinkar Sonawane,
67, Kalikadevi Nagar, Sakri Road,
Dhule.

... Respondent

WITH

CRIMINAL REVISION APPLICATION NO.139 OF 2023

WITH

CRIMINAL APPLICATION NO. 1370 OF 2025

Anil S/o. Jagannath Jadhav,
Age : 48 years, Occu. : Private Service,
R/o. Vitthal Co-operative Housing Society,
Room No.112, 1st Floor, Shiv Road,
Ulhasnagar – 1, Dist. Thane.

... Applicants

Versus

1. Mrs. Sunita W/o. Anil Jadhav,
Age : 38 years, Occu. : Housewife,
R/o. 67, Kalikadevi Nagar,
Dhule, Tq & Dist. Dhule.

2. Tanishk S/o. Anil Jadhav,
Age : 18 years, Occu. : Education,
R/o. As above.

... Respondents

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Mr. S. R. Sapkal, Advocate for Applicants in REVN/160/2025

Mr. Prateek S. Jadhav h/f. Mr. S. N. Pagare, Advocate for Applicant in
REVN/139/2023

Mr. S. A. Gaikwad, APP for Respondent – State.

Mr. P. C. Mayure, Advocate for Respondent Nos.2 and 3.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 26 NOVEMBER 2025

PRONOUNCED ON : 03 DECEMBER 2025

ORDER :

1. Revisionist husband in Criminal Revision Application No.160 of 2025 challenges the judgment and order dated 02.04.2025 passed by learned Additional Sessions Judge, Dhule in Criminal Appeal (PWDV Act)No. 72 of 2022, by which his appeal challenging the judgment and order passed by learned J.M.F.C., (Court No.3), Dhule dated 15.09.2022 in Criminal Miscellaneous Application No. 1226 of 2015 stood dismissed.

Revisionist husband in Revision Application No.139 of 2023 also challenges the judgment and order dated 04.03.2023 passed by the learned Judge, Family Court, Dhule in Petition E No. 03 of 2022 regarding the enhancement of maintenance.

2. Facts in brief are that, revision applicant no.1 and respondent nos.2 and 3 are husband, wife and their son, respectively. Respondent wife alleged that, after six months, there was said to be mental and physical cruelty coupled with demand of Rs.2,00,000/-. It is alleged by the respondent wife that, on 26.06.2010,, husband beat her and after taking away her ornaments, she was allegedly driven out of the house, of which she lodged report under section 498-A of IPC. That, before the learned J.M.F.C. Dhule vide Criminal Misc. Application No. 1226 of 2015, she sought maintenance as well as compensation.

The above application was resisted by revision husband. After appreciating the evidence adduced by the parties, learned J.M.F.C. was pleased to pass protection orders and further directing payment of maintenance Rs.2,000/- per month each, to wife and son, respectively, and also awarded compensation to the tune of Rs.10,000/-, but learned J.M.F.C. refused relief of alternate residence and prayers for return of Stridhan also turned down.

3. Dissatisfied by the above, husband preferred Domestic Violence Appeal by invoking section 29 of D.V. Act, setting up a case that, wife had raised false, omnibus and general allegations of harassment. Allegations of domestic violence was also refused. Judgment of learned

J.M.F.C. was criticized for not considering meagre salary allegedly earned by husband to the tune of Rs.12,000/-. The said case also contested by wife and she supported the findings.

4. The respective cases were appreciated and learned appellate court reached to a finding that there is no illegality in the order of learned J.M.F.C. and no merits even in the cross objection filed by the wife and thereby dismissed the appeal as well as cross objection by judgment and order dated 02.04.2025.

5. Record shows that, respondent nos.2 and 3, wife and son, had also filed another petition bearing No.20 of 2018 under section 125(1) of Cr.P.C. for maintenance before the learned Family Court, Dhule. The said Petition was allowed directing payment of maintenance at the rate of Rs. 4,000/- per month each, to the wife and son, and cost of Rs.4000/- was also awarded.

6. Respondent Nos. 2 and 3 had also filed one more petition No. 3 of 2022 under section 127 of Cr.P.C. for enhancement of maintenance before the learned Family Court, Dhule and the same is also partly allowed by directing to pay enhanced maintenance of Rs.3,000/- per month in addition to the previously granted maintenance amount of Rs.4,000/- per month i.e. total amount of Rs.7,000/- per month to the

respondent wife. The husband was also directed to pay the enhancement of maintenance allowance amount of Rs.4,000/- per month in addition to the previously granted maintenance amount of Rs.4,000/- i.e. total amount of Rs.8,000/- per month to respondent son and also costs of Rs.5,000/- was awarded.

Precisely, above both orders of appellate court as well as Family Court are assailed before this court by filing both these Revision Applications.

7. Learned counsel for revision petitioner husband, would point out that both, learned J.M.F.C. as well as first appellate court erred in not appreciating his case in its correct perspective. He pointed out that, both the courts below had failed to appreciate that, by working as a waiter in a hotel, he was getting salary of only Rs.12,000/-, however, learned Family Court, Dhule initially awarded Rs.4,000/- per month maintenance to each of the respondent i.e. wife and son, and thereby directed to pay costs of Rs.4,000/-. That, moreover even said quantum has been enhanced in proceedings instituted by wife under section 127 of Cr.P.C. before the learned Family Court, Dhule. He pointed out that, by virtue of rise in quantum, wife and son are now getting Rs.15,000/- per month, which is beyond his salary. Therefore, learned counsel urges to set aside the orders impugned herein.

8. Learned counsel for respondent wife canvasses in favour of the impugned orders and prays not to disturb the same, it being just and proper.

9. Heard to the satisfaction of each of the learned counsel. Perused the record. Admittedly, revision applicant no.1 Anil and respondent no.2 Sunita got married in November 2003 and respondent no.3 son was born due to their cohabitation and wedlock. It seems that, everything was smooth for a period of 6 months after marriage and thereafter there was said to be maltreatment in the backdrop of not meeting demand of Rs.2,00,000/- for construction of house. Meanwhile, wife conceived and went to her parent's place, but it is alleged that, in spite of birth given to respondent son, husband and in-laws did not come to see him and directly she was brought after six months, but again she was given ill treatment and finally driven out of the house and so she claims that while she was put up with her parents, she had no means to maintain herself and moreover, there was neglect by husband to provide her maintenance.

10. Apart from lodging report under section 498-A of IPC, she instituted proceedings bearing Petition E No. 20 of 2018 setting up a case

that, husband earns Rs.30,000/- to Rs.40,000/- by rendering service as a Manager in Dolphin Club which is a five star hotel and thereby she sought maintenance of Rs.10,000/- per month for herself as well as their son.

11. The above petition was contested by husband, however, after appreciating respective cases, learned Family Court was pleased to record a finding that, wife is residing with a minor at her parent's place and in spite of her being ready to cohabit, husband refused to take her and further having failed to provide her maintenance in spite of having sufficient means, learned Family Court directed husband to pay maintenance to both, wife and son, to the tune of Rs.4,000/- each i.e. vide judgment and order dated 04.04.2019.

It needs to be noted that there is no challenge to above order of Family Court by husband.

12. It seems that, again in 2022, wife applied for enhancement for herself as well as their son by invoking section 127 of Cr.P.C. before the Family Court, Dhule vide Petition E No. 3 of 2022 and the same was also opposed by husband by adducing evidence at Exh.41. However, it seems that, in his cross, he admitted that he is rendering work in Dolphin

Club Hotel since last 14 years and he also admitted about rising expenses for living and he also admitted that he did not render work as daily wages earner. He tendered salary slip Exh.45, but did not take efforts to get it proved. Hence, there are reasons to hold that husband does have sufficient means to provide for maintenance for his wife and son.

13. Learned Family Court in its judgment and order dated 04.03.2023 in Petition E No. 3 of 2022 has enhanced the compensation receivable by wife by Rs.3,000/- per month in addition to Rs.4,000/- per month and has also enhanced Rs.4,000/- per month in addition to previously granted Rs.4,000/- per month to the respondent son.

14. Revisionist husband has challenged the above order of Family Court dated 04.03.2023. On going through the above judgment, it transpires that husband has opposed maintenance of wife on the ground that she takes tuition and earns for herself as well as their son. He placed on record photographs Exh.39. However, learned Family Court, after noting to that extent in paragraph 26 of the judgment, has held such photograph to be weak type of evidence without assigning any reason. Such photograph does show that, she is capable of earning by taking tuition.

15. Therefore, rise of maintenance to wife to the tune of Rs.3,000/- in addition to previous maintenance, has no justification. Surprisingly, photographs placed by wife showing husband at Airport, inference is drawn that he has more than sufficient means in view of such lifestyle, but Exh.39 has not been considered and appreciated.

16. Consequently, in the considered opinion of this court, in the light of evidence suggesting wife taking tuition, she has not made out the case for enhancement of the maintenance that to the tune of Rs.3,000/- in addition to previous maintenance.

17. However, as regards to respondent son is concerned, he is undertaking education and at relevant time he was said to be in 12th standard and therefore, the enhancement to his extent seems to be justified and need not be disturbed. Hence, the following order is passed :

ORDER

- (i) Criminal Revision Application No.160 of 2025 is dismissed.
- (ii) Criminal Revision Application No.139 Of 2023 is partly allowed.
- (iii) The judgment and order dated 04.03.2023 passed in Petition E No.03 of 2022 by the Family Court, Dhule, is quashed and set aside to the extent of granting enhancement allowance of Rs.3,000/- to wife only.

(iv) Rest of the impugned judgment and order dated 04.03.2023 is hereby maintained.

(v) In view of disposal of revision application, pending Criminal Application No. 1370 of 2025 is disposed off.

(ABHAY S. WAGHWASE, J.)