



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

911 CRIMINAL REVISION APPLICATION (ST) NO. 4673 OF 2025

SUBHASH GANGARAM SALVE

.....Petitioner

VERSUS

ALKA SUBHASH SALVE AND ANOTHER

.....Respondent

WITH

CRIMINAL APPLICATION NO. 1639 OF 2025

IN REVNST/4673/2025

WITH

CRIMINAL APPLICATION NO. 1638 OF 2025

IN REVNST/4673/2025

Mr. Ashutosh Sisodiya, Advocate for the respondent Nos. 1 and 2
(appointed)

CORAM : ABHAY J. MANTRI, J.

DATE : 04th OCTOBER, 2025

ORAL JUDGMENT :

1. None appeared for the applicant when called out.

Perused the record.

2. It appears that on 29-09-2025, at the request of the learned advocate for the applicant, by way of last chance, time was granted till today with a direction that no further time will be granted, and if the applicant fails to argue the matter, the matter will be proceeded on its own merits. Despite this order, none appeared for the applicant.

3. Heard the learned advocate for the respondents and perused the impugned judgment and order.

4. The applicant-husband being aggrieved by the judgment and order dated 28-08-2023, passed by the learned Judge of the Family Court, Jalna in Criminal M. A. No. 6/2021 whereby the petition for enhancement is allowed and granted enhancement an amount of Rs.8000/- per month each from the amount of Rs.900/- and Rs. 500/- respectively granted by order dated 05-01-2008.

5. It appears that by order dated 05-01-2008, the Criminal M. A. No. 294/2007 filed by the respondent was allowed. The applicant was directed to pay the maintenance amount of Rs. 900/- and Rs. 500/- per month to respondent Nos. 1 and 2, respectively. After passing of thirteen years, the respondents have made an application under Section 127 of the Cr. P. C. for enhancement of the maintenance amount.

6. It appears that the applicant appeared in the matter but failed to file his say. Hence, the petition was proceeded with without his say. The learned Judge, after considering the evidence on record, partly allowed the application and directed the applicant to pay the maintenance amount of Rs. 8000/- per month each to the respondents.

7. Being aggrieved by the same, the applicant has preferred this application.

8. Perused the grounds raised in the revision memo.

9. The applicant has raised the ground that the learned Family Court, without affording sufficient opportunity to the applicant, hurriedly passed the impugned order. Similarly, respondent No. 2 has attained the majority; therefore, he is not entitled to the maintenance. However, the learned Judge has not considered the said facts and enhanced the maintenance. Secondly, it is contended that the learned Family Court failed to consider the income source of the applicant and passed the impugned order. Therefore, it is urged that the application be allowed by setting aside the impugned order.

10. It is pertinent to note that the learned Family Court in para 6 observed the conduct of the applicant, and passed an ex parte order against the applicant on 14-09-2022. Then, the applicant appeared and filed an application, which came to be allowed by order dated 07-06-2023. However, he failed to file a say; accordingly, the application was proceeded without his say, and an order was passed below Exh. 1 on 06.07.2023. Thereafter, on 04-08-2023, he again moved another application for setting aside the no-say order, which came to be rejected. Consequently, he moved another application for adjournment to get the set aside order passed below

Exh. 24. So observed that the applicant, despite being granted ample opportunities, failed to avail an opportunity to defend the case. Likewise, He has not filed his affidavit disclosing his assets and liabilities.

11. It is worth noting that, in paras 3 and 6 of the impugned judgment and order, the court has dealt with the same and observed that he did not file a say to the application despite the applicant's appearance. It seems that twice the opportunity was granted to the applicant, but he failed to avail himself of an opportunity to defend the case. The facts themselves indicate that the applicant willfully neglected to file a say to the application; therefore, the ex parte order passed below exh. 1, against the applicant is just and proper. Therefore, I do not find any substance in the contention of the learned advocate for the applicant that no opportunity was granted to him to contest the matter.

12. In para 7, the learned Family Court observed that initially, the application was allowed in 2008, and after thirteen years, the application for enhancement was filed. Therefore, due to the hike in the essential commodities and considering the salary certificate of the applicant for the month of May 2021 produced on record, the learned Judge has enhanced the maintenance amount @ Rs. 8000/- per month each. The salary certificate indicates that the

applicant is getting a monthly salary of Rs. 31,356/-.

13. Considering the above discussion and observations of the learned Judge of the Family Court, it appears that the applicant has sufficient means of income to maintain the respondents and rightly granted the maintenance amount of Rs. 8000/- per month each to the respondents. After properly appreciating the evidence on record, the learned Judge passed an order that is just and proper. However, the applicant failed to point out that he does not have sufficient means of income to maintain the respondents or findings given by the learned Magistrate are illegal or perverse to interfere in the revisional jurisdiction.

14. It is evident that the applicant avoided paying the maintenance and tried to prolong the proceedings before the learned Family Court. The applicant's conduct before the learned Family Court and this court itself indicates that the applicant wants to prolong the matter instead of proceeding with it.

15. It is pertinent to note that it is the applicant-husband's obligation to maintain his wife and son. He cannot plead that he is unable to maintain them due to financial constraints as long as he is capable of earning. Moreover, judicial note can be taken that there have been rises in essential commodities, and therefore, the maintenance amount granted to the respondents appears to be too

meagre to satisfy their daily needs.

16. Hence, I do not find any substance in the ground raised in the revision memo to interfere with the impugned judgment and order. As such, the criminal revision application, being devoid of merits, stands dismissed. No order as to costs.

17. Learned advocate for the respondent Nos. 1 & 2 is appointed through the Legal Services Authority. Hence, His fees are to be quantified as per the rules of the High Court Legal Aid Services Sub-Committee.

18. In view of the dismissal of the criminal revision application, pending criminal applications, if any, stand disposed of.

[ABHAY J. MANTRI, J.]