



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

CRIMINAL REVISION APPLICATION NO. 153 OF 2023

Rajendra Janardhan Gaikwad

..APPLICANT

VERSUS

Mayadevi @ Madhuri Rajendra Gaikwad

..RESPONDENT

....
Mr. M.D. Gite, Advocate for the applicant
Mr. R.D. Biradar, Advocate for the respondent
....

**CORAM : ABHAY J. MANTRI, J.
DATE : 10th OCTOBER, 2025**

ORAL JUDGMENT :

1. The applicant has preferred this revision application challenging the judgment and order dated 11th April, 2023, passed by a learned Judge of Family Court, Latur, in Petition No. E-67 of 2020, whereby maintenance of Rs. 10,000/- per month was granted to the respondent from the date of filing of the petition.
2. Heard learned counsel for the applicant and for the respondent. Perused the impugned judgment and order as well as the record.
3. At the outset, it appears that the respondent, being the wife of the applicant, filed the petition under Section 125 of the Code of Criminal Procedure against the applicant. The applicant appeared in the matter and resisted the claim. However, after considering the evidence on record, the

learned Judge held that the applicant is an able-bodied person and liable to pay maintenance of Rs. 10,000/- per month to the respondent and accordingly passed the impugned order.

4. It is pertinent to note that the applicant is not disputing his relationship with the respondent. The respondent is residing separately, and he is not providing her with a maintenance amount.

5. Learned counsel for the applicant challenged the impugned order only on the ground that he does not have sufficient means of income. He is getting only Rs. 3991/- pension. However, the learned Family Court has not considered the said fact in its proper perspective and erred in awarding the maintenance of Rs. 10,000/- per month. He further pointed out paragraph 30 of the impugned judgment and order and submitted that the learned Judge, though he has observed that the applicant is receiving a pension of Rs. 3991/-, granted maintenance of Rs. 10,000/- per month to the respondent, and therefore, the findings recorded by the learned Judge in paragraph nos. 32 to 35 is contrary to the evidence on record and, thus, not sustainable in the eyes of the law. Hence, he urged the modification of the order.

6. On the other hand, learned counsel for the respondent strenuously argued that the applicant was playing tactics as he sent a false telegram stating that the applicant has died. He has also drawn my attention to the pension papers and submitted that the applicant has received approximately Rs. 20 lakhs from gratuity and leave encashment benefit. He also brought my

attention to the observations made in paragraph nos. 31 to 35 in the impugned judgment, wherein the learned Judge has considered the pension papers as well as the loan obtained by the applicant, and after considering the same, held that the applicant is an able-bodied person and liable to pay maintenance to the respondent.

7. At the outset, the applicant appeared to be serving in the MSEDCL as an Assistant Engineer. He retired on 31st August 2021, i.e. after filing the application. It also seems that he received approximately Rs. 20 lakhs towards gratuity, leave encashment benefit, and other benefits. However, he has not paid the lump sum amount of maintenance from the said amount to the applicant. He could have paid the respondent part of the amount as a lump sum maintenance. He did not pay the respondent any amount. Similarly, it has been brought to the record that the applicant possesses a car and he has obtained a loan for that and is paying the installment of Rs. 11,450/-, therefore, it cannot be said that he is getting a pension of Rs. 3991/-. Had it been the fact that he is getting a pension of only Rs. 3,991/-, then from where is he paying the said car loan instalment? He does not explain it. It is incumbent on him to come before the Court with clean hands and show how he is paying the loan installment. But he has suppressed the fact from the Court, and therefore, the learned Family Court has held that the applicant is getting income of Rs. 50,000/- to Rs. 60,000/- per month and accordingly awarded the maintenance.

8. It is pertinent to note that in paragraph 15 of the petition, the petitioner – wife has stated that the applicant is working as Assistant Engineer with MSEDCL and the said fact is admitted by the applicant in his say/reply as well as in his evidence, and therefore, I do not find substance in the contention of learned counsel for the applicant that the applicant was not working as Assistant Engineer with MSEDCL.

9. Even assuming that the applicant is getting a pension of Rs. 3991/-, it is not in dispute that he is an able-bodied person who can do the work and pay the maintenance to his wife. He can also pay the maintenance from the gratuity and leave the encashment amount to the respondent.

10. 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 the day-to-day needs of his wife; he is duty-bound to provide a maintenance amount to her to live her life as per his status. 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.

11. The upshot of the above discussion is that the applicant has sufficient means of income to pay the maintenance to the respondents. On

the other hand, the applicant failed to show that he does not have sufficient means of income to maintain the respondent. As such, it appears that the order passed by the learned Judge is just and proper. *Per contra*, learned counsel for the applicant failed to point out any illegality or perversity in the impugned judgment and order to interfere in it in the revisional jurisdiction.

12. As a result, the revision application, being devoid of merits, stands dismissed. No order as to costs.

13. The applicant is directed to pay arrears of maintenance amount to the respondent or deposit in the Family Court within six weeks, failing which the learned Judge is requested to take appropriate steps to comply with this order.

(ABHAY J. MANTRI, J.)

SSD