



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 329 OF 2025

S.K. Mohammad Gaus Maheboob Sahab
Age: 46 Years, Occu: Labour,
R/o: Deelipsingh Colony, Govardhan Ghat,
Tq. & Dist. Nanded.

..APPLICANT

VERSUS

1. Pravin Begum Mohammad Gaus
Age: 37 Years, Occu: Household,
2. Sk. Rahim S/o Mohammad Gaus,
Age: 15 Years, Occu: Education,
Minor U/G of respondent No. 1, his mother
Both R/o: C/o Sk. Younus Miya Parwa Gate,
Haji Hamid Colony, Tq. & Dist. Parbhani

..RESPONDENTS

....
Mr. A.D. Hande, Advocate for the applicant

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CORAM : ABHAY J. MANTRI, J.
DATE : 03rd OCTOBER, 2025

ORAL JUDGMENT :

1. The applicant, being aggrieved by the judgment and order dated 22nd November 2024 passed by the learned Judge, Family Court, Parbhani, in Petition No. E-4 of 2020, whereby the application filed by the respondent was partly allowed and maintenance of Rs. 8,000/- per month each was granted to the respondent No.1 from the date of the order till she remarries and for the respondent No. 2 till he attains the age of majority, has preferred this revision.

2. Heard learned counsel for the applicant and perused the impugned judgment and the record.

3. At the outset, it appears that the respondents, being the wife and son of the applicant, filed an application under Section 125 of the Code of Criminal Procedure for the grant of maintenance against the applicant, which the applicant resisted. However, after considering the evidence on record, learned Judge held that the applicant is liable to pay maintenance of Rs. 5,000/- and Rs.3,000/- per month to Respondent Nos.1 and 2 respectively from the date of application till passing of the order and further directed to pay Rs.8,000/- per month to each respondent from the date of order till respondent No.1 remarries or respondent No. 2 attains majority. Hence, he has preferred this revision application.

4. Learned counsel for the applicant vehemently contended that the applicant is a labourer. He does not possess immovable property, nor does he get an amount of Rs. 60,000/- per month. He has no permanent source of income; however, the learned Family Court has not considered the same in its proper perspective and held that the applicant has an ample source of income, and therefore, he is liable to pay maintenance of Rs. 8,000/- per month to each respondent. Consequently, he contended that the learned Family Court granted exorbitant maintenance to the respondents when the applicant did not have sufficient means of income. Hence, he urged to modify the order by reducing the amount of maintenance.

5. It is pertinent to note that the applicant is not disputing his relationship with the respondents. Similarly, he is not disputing that they reside separately, and he has not provided any amount towards their maintenance since they live separately.

6. On perusal of the impugned judgment and order, it appears that the learned Judge in paragraph no. 26 of the impugned judgment has categorically dealt with the income of the applicant and observed that the applicant had taken two LIC policies, wherein in the proposal form he had shown his monthly income as Rs. 2,00,000/- and also mentioned his occupation as electrician. It is to be noted that the applicant has not disputed that he has furnished the said proposal while obtaining the insurance policies, but his only contention is that now those policies are not in force and have been closed. It is worth noting that he had filled the said proposal, and therefore, there is no reason to dispute his monthly income of Rs. 2,00,000/-. Similarly, it has come on record that his father had agricultural lands at Chinchala Patti Umri and Jambgaon. The respondents have also brought the evidence on record that the applicant has purchased a plot from his own income (sale-deed at Exh.88). Without having sufficient means of income, it would be difficult to purchase a plot by the applicant and based on the same, the said documents and evidence of Respondent No.1, the learned Family Court, in paragraph nos.26 and 27 of the impugned judgment, has held that the applicant himself admitted his monthly income in the proposal of the

policy as Rs.2,00,000/-, and therefore, granted maintenance of Rs. 8,000/- per month to each respondents. The said finding appears to be based on the evidence from the record. On the contrary, learned counsel for the applicant failed to point out that he does not have sufficient means to maintain the respondents or that the findings recorded by the learned Judge are illegal or perverse to interfere in the revisional jurisdiction.

7. It is pertinent to note that it is the husband's obligation to maintain his wife and children. He cannot be permitted to plead that he is unable to maintain them due to financial constraints as long as he is capable of earning. It is to be noted that the husband has to fulfil their day-to-day needs; he is duty-bound to provide a maintenance amount for them to live their lives as per his living standards. In such an eventuality, it is necessary to grant maintenance to them. 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 respondents also appears to be too meagre to satisfy their daily needs.

8. Thus, on perusal of the record and impugned judgment and order, it appears that the applicant failed to maintain the respondents when he had sufficient means of income to maintain them. The learned Judge, in paragraphs nos. 26 and 27, has also dealt with the income of the applicant, and therefore, the recording of the finding by the learned Judge is just and

proper. On the contrary, the applicant failed to point out that the findings recorded by the learned Judge are manifestly perverse. Hence, I do not find any substance in the contention of learned counsel for the applicant that the learned Judge has not considered the applicant's income in its proper perspective. Therefore, no interference is required in the impugned judgment in the revisional jurisdiction.

9. As such, the revision application, being devoid of merits, stands dismissed. No order as to costs.

(ABHAY J. MANTRI, J.)

SSD