



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

19 CRIMINAL REVISION APPLICATION NO. 170 OF 2025

Manoj Murlidhar Mahajan,
Age-45 years, Occu-Labour,
R/o. Kusumba (Kh), Tq. Raver,
Dist. Jalgaon

...APPLICANT

VERSUS

1. Nutan Manoj Mahajan,
Age-34 years, Occu-Private Service
2. Himani Manoj Mahajan,
Age-18 years, Occu- Nil,
3. Sarthak Manoj Mahajan
Age-11 years, Occu- Nil

Respondent Nos. 2 to 3 are
Minor and U/G of Respondent No.1
All R/o. C/o. Sudhakar Gaikwad,
P-4-12/1, Vitthalnagar, Sambhajinagar,
Tq. & Dist. Sambhajinagar

Mr. Vishnu M. Jaware, Advocate for the applicant

CORAM : ABHAY J. MANTRI, J.

DATE : 13th OCTOBER, 2025

ORAL JUDGMENT :

1. The applicant has preferred the revision challenging the judgment and order dated 15-12-2024 passed by the learned Judge of the Family Court, Aurangabad, in Petition No. E-19/2019, whereby maintenance of Rs . 4000/- was granted to the respondent No.1-wife

and Rs . 2500/- to the respondent Nos. 2 and 3 per month from the date of the petition.

2. Heard the learned advocate for the applicant. Perused the impugned judgment and record.

3. It is pertinent to note that the applicant does not dispute his relations with the respondents. He also does not dispute that they have been residing separately since 2015 and that he has not provided any maintenance to them.

4. At the outset, it appears that respondent No.1, being the wife and respondent Nos. 2 and 3, daughter and son respectively, have filed an application for the grant of maintenance under Section 125 of the Cr.P.C. against the applicant. After considering the evidence on record, the learned Judge has partly allowed the petition and granted maintenance as stated above. Hence, this revision application.

5. The learned advocate for the applicant contended that the applicant challenged the impugned judgment only on the point of quantum. He further submitted that before filing the application, the applicant's services were terminated by the Hindustan Equipment Company Pvt. Ltd.; therefore, he is jobless and has no income source. However, the learned trial court has not considered the same in its proper perspective and erred in awarding exorbitant compensation.

He has drawn my attention to the said order (Page No.40) and canvassed that, as such, interference is required in the impugned judgment and order.

6. Perused the impugned judgment. It appears that the learned Judge in para Nos. 19 to 21 have dealt with and discussed the said point, i.e. how much maintenance the applicants (respondents herein) are entitled to, and observed that the daughter is 17 years old and the son is 14 years old. They are taking education and their school expenses are of Rs. 90,000/- per annum. The applicant admitted the said facts during his cross-examination that in the year 2008, children were admitted to the school at Indore, and yearly educational expenses were Rs. 50,000/- per annum, and after a period of lapse of 16 years, it would be considered approximately as Rs. 90,000/- per annum. It is also evident that the applicant was in service in Hindustan Equipment Company and was getting a salary of Rs. 40,000/- per month, and having considered the same, the learned Judge has awarded maintenance as stated above. The learned Judge also clarified that the daughter is entitled to get maintenance until she attains majority.

7. Having considered the above discussion, I do not find any perversity or illegality in the impugned judgment. On the contrary, the impugned judgment passed seems just and proper.

Therefore, no interference is required in the impugned order.

8. It is pertinent to note that it is the applicant-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. *Moreover*, judicial note can be taken that there are rises in essential commodities and therefore, the maintenance amount granted to the respondents appears to be too meagre to satisfy their daily needs.

9. It is pertinent to note that Section 125 of the Code of Criminal Procedure is a social welfare provision, which must be subjected to an extensive beneficial concern, and this understanding has been extended to maintenance. Similarly, it must be borne in mind that the right to maintenance under Section 125 of the Code of Criminal Procedure is not a benefit received by the wife and children but rather a legal and moral duty owed by the husband/father to maintain his wife. Undisputedly, the wife and children do not reside with the husband, and the husband does not pay them anything for their maintenance. This itself is sufficient to grant maintenance to them.

10. To sum up the above discussion, it is apparent that the applicant has sufficient means to pay maintenance to the respondents. But he failed to maintain them when he had sufficient

means. Hence, I do not find substance in the contention of the learned advocate for the applicant to interfere in the impugned judgment and order. Consequently, the criminal revision application being devoid of merits, stands dismissed and disposed of.

11. No order as to costs.

[ABHAY J. MANTRI, J.]

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