



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

**931 CRIMINAL REVISION APPLICATION NO. 215 OF 2019**

**VIJAY S/O. SITARAM SARODE  
VERSUS  
VARSHA W/O. VIJAY SARODE (VERSHA D/O. MOHANRAO KAMBLE) & ANR**

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Advocate for Applicant : Mr. Syed G.R.  
Advocate for Respondents : Mr. G.G. Suryawanshi  
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**CORAM : Y.G. KHOBRAGADE, J.  
DATE : 12.06.2025**

**PC.:-**

1. Heard Mr. G.R. Syed the learned counsel appearing for the revision applicant and Mr. Suryawanshi the learned counsel appearing for the respondents.

2. The present revision under Section 19 of the Family Courts Act is directed against the judgment and order dated 26.02.2019 passed by the learned Family Court, Nanded in Petition No.E-145/2017, whereby the present petitioner was directed to pay Rs.3,000/- to the respondent no.1 and Rs.1,000/- to the respondent no.2 from the date of filing of the petition i.e. 21.12.2017.

3. The present petitioner is the original non-applicant and the respondent nos.1 and 2 are the original applicants in Petition No.E-145/2017

filed under Section 125 of the Cr.P.C. For the sake of brevity, I would like to refer the parties to the present revision in their original capacity.

4. The applicants have filed Petition No.E-145/2017 and prayed for maintenance on the ground that, on 31.05.2007 the marriage between the applicant no.1 and non-applicant was solemnized as per the customs and rites prevailing in their community. After the marriage, the applicant no.1 co-habited with her husband/Non-applicant, however, after some period the non-applicant raised cruelty against the applicant no.1 for non-fulfillment of demand of dowry of Rs. Two Lakhs for securing a job on compassionate grounds. Out of the matrimonial relations, they are blessed with a son i.e. applicant no.2. According to the applicant no. 1, the present petitioner earns Rs.15,000/- per month and he is having a house at Kalamnuri and earning rental income of Rs.18,000/- per month.

5. After service of notice the present non-applicant appeared on 18.01.2018 but he failed to file a reply. Therefore, on 10.07.2018 the learned trial Court passed an order below Exh.1 and proceeded the matter without written statement of the present petitioner. Though, the matrimonial dispute was referred to the mediator but the mediation was not successful. The respondent no.1/wife filed evidence affidavit at Exh.19 and proved Aadhar card Exh.22, Marriage Invitation Card Exh.23, electricity bill Exh.24 and NC

Report Exh.25.

6. After considering the evidence available on record, the learned trial Court passed the impugned order and directed the present Non-applicant/ petitioner to pay Rs.3,000/- per month to the applicant no. 1/ respondent no.1 and Rs.1,000/- per month to the applicant no.2/ respondent no.2 from the date of the application.

7. The learned counsel appearing for the petitioner canvassed in vehemence that the petitioner is hardly earning for his survival and is unable to pay the huge amount of maintenance. However, the learned trial Court failed to consider the income of the petitioner and passed the impugned order, hence, prayed for quashing and setting aside the same.

8. Per contra, the learned counsel appearing for the respondents supported the findings recorded by the trial Court.

9. Needless to say that the present petitioner is bodily able person. The Applicant-wife no.1 deposed that her husband-non-applicant/the present petitioner is skilled cable operator and earns Rs.15,000/- per month. Besides this the non-applicant is earning income of Rs.18,000/- per month as rent from his house property. The present petitioner has not led any evidence to show his monthly income. Therefore, the learned trial Court considered the

provisions of the Minimum Wages Act and passed the impugned order, which does not appear to be illegal, perverse and bad in law. Therefore, I do not find substantial grounds to interfere with the said findings recorded by the learned Trial Court. Hence, the revision is dismissed.

**[Y.G. KHOBRADE, J.]**