



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

**911 CRIMINAL WRIT PETITION NO. 682 OF 2025**

**DEEPAK VALMIK SONWANE**

....Petitioner

**VERSUS**

**MALTI DEEPAK SONWANE AND OTHERS**

.....Respondent

None appeared for the parties.

**CORAM : ABHAY J. MANTRI, J.**

**DATE : 09<sup>th</sup> DECEMBER, 2025**

**PER COURT :**

1. None appeared for the petitioners. Perused the record.
2. It seems that on 25-11-2025, the matter was listed for hearing. However, the learned advocate for the petitioner submitted that the file was misplaced; therefore, one week's time was granted, with a direction that no further time would be granted if the petitioner failed to work the matter; thereafter, the matter will proceed on its own merits. Despite the foregoing facts, on 02-12-2025, Mr. Patil, a learned advocate, made a similar submission that the file had been misplaced. By the said order, it was categorically directed that if the petitioner fails to work out the matter, then it will proceed on its own merits. Despite the foregoing facts, no one appeared on behalf of the petitioner, nor did they work out the

matter today. Hence, I have gone through the impugned judgment, orders, and record.

3. By this petition, the petitioner is challenging the order dated 16-11-2024, passed by the learned Additional Sessions Judge, in Criminal Appeal No.45 of 2023 whereby partly allowed the appeal and reduced the compensation awarded by the the learned Judicial Magistrate First Class (for short the '*learned Magistrate*') to Rs.25,000/- and rest of the order dated 01-02-2022 passed by the learned Magistrate was confirmed whereby the learned Magistrate has awarded monitory relief of Rs.4,000/- for respondent No. 1 and Rs.2,000/- each to respondent Nos. 2 and 3 and house rent of Rs.2,000/- i.e. total amount of Rs.10,000/- was granted and also directed to pay the compensation of Rs.50,000/- which was reduced to Rs.25,000/-.

4. At the outset, it appears that the petitioner does not dispute his relationship with the respondents. Similarly, he was employed by Bajaj Company and was receiving a salary of Rs. 30,000/- per month, and he also earned 50-60 thousand from other businesses. Therefore, in light of the foregoing facts, the learned Magistrate has granted the maintenance/compensation as stated above to the respondents.

5. It further reveals that after considering the evidence on record, the learned Magistrate has passed the order as stated above, and the learned Additional Sessions Judge confirmed the same. However, the petitioner failed to demonstrate that the said order is illegal or perverse. I have also gone through the grounds raised by the petitioner in the petition. Hence, I do not find any substance in any ground so that it can be said that the impugned judgment and orders are illegal or perverse. On the contrary, it appears that the impugned judgment and orders are just and proper, and no interference is required in writ jurisdiction.

6. It is a settled position of law that children should not be suffered due to a dispute between their parents, and therefore, also as per law laid down by the Hon'ble Apex Court in various judgments, it is the bounden duty of the father to provide the educational fees of their children. As such, I do not find substance in the petition in that regard, and also, it is a settled position of law that the husband is bound to pay the maintenance to his wife and children.

7. It is worth noting that the provisions under the D. V. Act are social welfare legislation, which must be subjected to an extensive beneficial concern, and this understanding has been extended to maintenance. Similarly, the reliefs received under other

provisions of the said Act are not benefits for the wife and children, but rather legal and moral duties owed by the husband to maintain them.

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. Having considered the above discussion, I do not find any substance in the petition. As a result, the petition being devoid of merits, stands dismissed.

10. Inform the learned Magistrate accordingly.

**[ABHAY J. MANTRI, J.]**