



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

915 CRIMINAL REVISION APPLICATION NO. 161 OF 2018

**SATISH S/O. SURESH SOLANKE
VERSUS
SURESH S/O. SURYABHAN SOLANKE AND ANR**

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Advocate for Applicant : Mr. Syed G.R.
Advocate for Non-Applicants : Mr. Amit Tandulkar h/f. Kadam Gajanan G.
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**CORAM : Y.G. KHOBRADE, J.
DATE : 12.06.2025**

PC.:-

1. The present revision under Section 19 of the Family Courts Act is directed against the common judgment and order dated 21.05.2018 passed by the learned Family Court, Nanded, in Petition No.E-113/2015 and Misc. Criminal Application No.1 of 2016, whereby the Petition No.E-113/2015 of the present non-applicants was allowed and Misc. Criminal Application No. 1 of 2016 of the present applicant was rejected. By the impugned order the present Applicant was directed to pay maintenance of Rs.2,000/- each to his old aged parents i.e. Respondent no.1 and 2 instead of Rs.1200/- from the date of filing of the petition i.e. 01.12.2015.

2. In Petition No.E-113 of 2015, the present non-applicants/parents are the ori. applicants and the present applicant-son is original non-applicant.

For the sake of brevity, I would like to refer the parties to the present revision in their original capacity as applicants-parents and non applicant-son.

3. It is not in dispute that the original applicant nos.1 and 2 are the old aged parents of the original non applicant-son. The non-applicant/son has not disputed relationship between him and the applicants. It is an admitted fact that, the applicants i.e. old aged parents instituted a Misc. Cri. Appln. No. 354 of 2009 u/s 125 of the Cri. P. C., against their son/non-applicant and prayed for grant of maintenance as they are unable to maintain themselves, whereas, the non-applicant is serving with the State Bank of India and drawing salary of Rs. 25,000/- per month. Beside this he possess movable and immovable property including two and four wheeler vehicles. Therefore, they are entitled to receive maintenance.

4. On 01.10.2011, the learned Judicial Magistrate passed the Judgment in Misc. Cri. Appln. 345 of 2009 and directed the non-applicant son to pay maintenance of Rs.1200/- each per month to the applicants-parents. Being dissatisfied by the meager amount of maintenance, the non-applicants instituted Petition No. E-113 of 2015 u/s 127 of Code of Criminal Procedure and prayed for enhancement of maintenance. Whereas, the present applicant-son instituted a Misc. Criminal Application No. 1 of 2016 u/s 127 of the Code and prayed for cancellation of maintenance.

5. The learned counsel appearing for the non-applicant/son canvassed in vehemence that, the learned trial Court very much emphasized on the findings recorded in previous proceeding though Sec. 127 of the Code empowers the Court to re-asses the evidence and to decide question about entitlement of maintenance by the applicants/parents. So also, the learned trial Court failed to consider the fact that, non-applicant is not the only son, however, the applicants failed to claim maintenance against other son. Therefore, impugned judgment and order is illegal bad in law, hence, prayed to quash and set aside the same.

6. Per contra, the learned counsel appearing for the applicants parents canvassed that, the applicants were having three sons and one daughter but their son Vijay passed away. The non-applicant Sanjay and Ajay are their caregiver sons. Shri Ajay, son/the applicant looking after them, whereas daughter Anuradha is married and residing at her matrimonial house. Therefore, the applicants-parents claimed maintenance as against the non-applicant/son. So also, after considering hike of prices of essential commodities as well as medical expenses, which is required to be incurred due to old age, the learned trial Court enhanced the amount of maintenance, hence, prayed for dismissal of revision application.

7. It is matter of record that, On 01.10.2011, the learned Judicial

Magistrate passed the Judgment in Misc. Cri. Appln. 345 of 2009 and directed the non-applicant/son to pay maintenance of Rs. 1200/- each per month to the applicants-parents and after lapse of eight years, the applicant-parents prayed for enhancement of maintenance.

8. On 21.05.2018, the learned Family Court, Nanded passed the common Judgment after considering evidence of both the sides and rejected Misc. Cri. Appln No.1 of 2016 filed by the non-applicant/son and allowed Petition No.E-113/2015 for enhancement of maintenance instituted by the applicants/parents and directed the non-applicant/son to pay monthly maintenance of Rs.2,000/- to each applicants-parents from the date of filing of the petition i.e. 01.12.2015. On perusal of impugned judgment and order it reveals that, the learned trial Court considered the evidence available on record as well as earning capacity of the non-applicant/son and day to day hike of essential commodities prices. So also, applicants/parents are in need to meet their old age ailments. Therefore, the impugned judgment and order does not suffer from any infirmity and as there is no jurisdictional error found on part of the trial Court, hence, present revision is dismissed.

[Y.G. KHOBRADE, J.]