



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

CRIMINAL REVISION APPLICATION NO. 32 OF 2025

1. Nishant s/o Ramesh Manvar,
Age : 35 years, Occu : Nil,
R/o. Gopika Sadan, Sillarvar Pride App.,
Beside (Meghdut Colony), Amar Colony,
Old Bypass Road, Dastur Nagar,
Amravati.
2. Ramesh s/o Dajiba Manvar,
Age : 57 years, Occu : Agril.,
R/o. Gopika Sadan, Sillarvar Pride App.,
Beside (Meghdut Colony), Amar Colony,
Old Bypass Road, Dastur Nagar,
Amravati.
3. Rajani w/o Ramesh Manvar,
Age : 48 years, Ocu : Housewife,
R/o. Gopika Sadan, Sillarvar Pride App.,
Beside (Meghdut Colony), Amar Colony,
Old Bypass Road, Dastur Nagar,
Amravati.
4. Nilum w/o Amol Ingole,
Age : 30 years, Occu : Private Job,
R/o BSNL Telephone Exchange,
Anandnagar, Near Funtime Multiplex,
Sinhagad Road, Pune.
5. Amol Ingole,
Age : 48 years, Occu : Private Job,
R/o BSNL Telephone Exchange,
Anandnagar, Near Funtime Multiplex,
Sinhagad Road, Pune.
6. Ajay s/o Dashrath Bhatkar,
Age : 48 years, Occu : Private Job,
R/o. Plot No. 13, Near Budhavihar,
Budhnagar, Javahar Colony,
Aurangabad

7. Soniya Ajay Bhatkar,
Age : 46 years, Occu : Private Job,
R/o. Plot No. 13, Near Budhavihar,
Budhnagar, Javahar Colony,
Aurangabad

...Applicants

Versus

Sujata Nishant Manvar,
Age : 30 years, Occu : Advocate,
R/o. At present Plot No. 88,
Galli No.1, New Hanumannagar,
Garkheda Parisar, Aurangabad

...Respondent

Mr. Kazi R.R, Advocate for the Applicants.

Mr. Doifode Bharat Sahebrao, Advocate for the Respondent.

CORAM : ABHAY J. MANTRI, J.

DATE : OCTOBER 17, 2025

JUDGMENT :

1. The applicant-husband, being aggrieved by the order dated 22nd February 2024, passed by the learned Additional Sessions Judge, Aurangabad, in PWDVA Appeal No. 171/2022, whereby partly allowed the appeal and modified the order dated 19.10.2022 passed by the learned JMFC, Aurangabad (for Short- the '*Magistrate*') below Exhibit 15 in Application No. 146/2021 and enhanced the interim maintenance of ₹ 5,000/- instead of 2,500/-, has preferred this revision.

2. Heard learned advocate for both parties and perused the impugned judgment and record.

3. At the outset, it appears that the respondent, being the wife of the applicant, has filed an application for the grant of relief under various provisions of the Domestic Violence Act (for Short- the '*D.V Act*') and during the pendency of the application, the respondent has filed an application under Section 23 of the D. V. Act to get the interim maintenance. After considering the material on record, the learned Magistrate has granted maintenance of ₹ 2,500/- per month.

4. Being dissatisfied with the same, the respondent has preferred an appeal before the learned Additional Sessions Judge. The learned Additional Sessions Judge, after considering the material on record, partly allowed the appeal and modified the order passed by the learned Magistrate, enhancing the interim maintenance to ₹ 5,000/- per month from ₹ 2,500/- per month. Being aggrieved by the said Judgment and order, the applicants have preferred this revision.

5. It is pertinent to note that the applicant No.1 does not dispute his relationship with the respondent, and she is residing separately from him. Similarly, he does not dispute that he has not provided any maintenance to her prior to the filing of these proceedings, as well as the proceedings under Section 125 of the Code of Criminal Procedure, 1973 (for Short- the '*Cr.PC.*'). The applicant No. 1 also does not dispute that from 2016, he was working at Badve Engineering, Pune, and was receiving a salary of ₹ 45,000/- or ₹ 23,000/-. However, he contends that he was

relieved from the said employment on 25th February 2020; therefore, he has no income source and does not have a job. Thus, the enhancement of maintenance of ₹ 5,000/- by the Appellant Court is unjust and improper.

6. During the argument, the learned advocate for the applicant has taken me through the judgments and order passed by the learned Additional Sessions Judge, as well as the learned Magistrate and canvassed that the learned Magistrate, after considering the material on record, has rightly granted interim maintenance. However, the learned Additional Sessions Judge ignored the finding recorded by the learned Magistrate and enhanced the maintenance without any sufficient cause. Therefore, the said order can't be sustained in the eyes of the law. He further submitted that the applicant is suffering from sickle Cell anaemia, and therefore, he is unable to pay maintenance to the respondent. Consequently, he urged setting aside the impugned order.

7. On the other hand, the learned advocate for the respondent submitted that the order passed by the learned Appellant Court is just and proper and no interference is required in it. He urged the dismissal of the application.

8. Having considered the rival submissions of the learned advocate for the parties and gone through the record, it appears that the applicant doesn't dispute that the respondent is his wife and he is an able-bodied person. Similarly, the material produced by the respondent before

the learned Magistrate, *prima facie*, indicates that the applicant was in service with Badve Engineering, Pune, and was receiving a salary of ₹ 45,000 per month. Even assuming that his last salary is ₹ 23,000/-, in that case also, I do not find any illegality or perversity in the order passed by the learned Additional Sessions Judge, as the interim maintenance awarded by the learned Appellate Court is less than 25% of his net salary.

9. Moreover, the learned Appellate Court has granted interim maintenance, and the matter is still pending before the learned Magistrate to decide it on the merits. The parties would have the opportunity to adduce evidence in support of their contentions, and after considering it, it can be decided how much maintenance the respondent is entitled to. It is a primary stage; therefore, considering the material, the applicant is an able-bodied person with an income of ₹ 23,000/- per month. Even assuming this, the amount awarded by the learned Appellate Court is just and proper.

10. It is pertinent to note that it is an obligation of the husband to maintain his wife. He cannot be permitted to plead that he is unable to maintain her due to financial constraints as long as he is capable of earning a sufficient income. Moreover, it is worth noting that the prices of essential commodities are rising day by day. Therefore, it is very difficult for the respondent to survive without maintenance or satisfy her daily needs.

11. It is to be noted that Section 125 of the Cr. P. C. 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 Cr. P. C. is not a benefit received by the wife, but rather the legal or moral duty owed by the husband to maintain his wife. Apart from the above, it is undisputable that the respondent does not reside with the applicant, and the applicant does not provide her with any maintenance; this itself is sufficient grounds to grant her interim maintenance for her survival.

12. Thus, on perusal of the impugned judgment as well as the order passed by the learned Magistrate, it appears that the finding recorded by the learned Additional Sessions Judge is just and proper. The learned advocate for the applicant failed to point out any perversity or illegality in the impugned judgment and order to interfere in it in the revisional jurisdiction. Thus, no interference is required in it in the revisional jurisdiction.

13. Consequently, the application being bereft of merits stands dismissed. No order as to costs.

14. Needless to clarify that the applicant is directed to deposit the entire arrears of maintenance in two installments of 50% each in the Trial Court. The first installment is to be deposited on or before 30th November 2025, and the second installment of the remaining 50% amount is to be deposited on or before 31st December 2025, failing which, his right to defend shall be forfeited.

15. Inform the learned Magistrate as well as the Trial Court accordingly.

(ABHAY J. MANTRI, J.)