



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 256 OF 2025

Shaikh Shaker Shaikh Ayyub

..APPLICANT

VERSUS

Summayya Shaikh Shaker

..RESPONDENT

....
Mr. S.N. Dudhate, Advocate for the applicant

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CORAM : ABHAY J. MANTRI, J.

DATE : 29th SEPTEMBER, 2025.

PER COURT :

1. Heard learned counsel for the applicant and perused the impugned judgment and record.
2. The applicant, being the husband, has preferred this revision application challenging the judgment and order dated 22nd July, 2024, passed by the learned Judge, Family Court, Aurangabad, in Petition No. E-181 of 2023, whereby maintenance of Rs. 7,000/- per month was granted to the respondent from the date of the petition.
3. At the outset, it appears that the respondent, being the wife of the applicant, filed an application for the grant of maintenance under Section 125 of the Code of Criminal Procedure against the applicant. It also appears that after service of summons, the respondent appeared before the Family Court and attended the counselling at once and thereafter did not turn up nor

file a reply. After considering the evidence on record, the learned Judge found that the applicant was liable to pay maintenance of Rs. 7,000/- per month to the respondent and accordingly passed the impugned order.

4. It is pertinent to note that the applicant does not dispute his relationship with the respondent. Similarly, he does not dispute that he has 1 Acre 35 R agricultural land. He has not paid any maintenance amount to the respondent until the decision of the application. Learned counsel for the applicant submitted that the applicant has deposited only Rs. 20,000/- in the executing Court.

5. Learned counsel for the applicant vehemently contended that no opportunity was given to the applicant to contest the matter. The applicant could not file his reply to the application, and therefore, the matter proceeded without his reply and in his absence. Consequently, he was urged to remand the matter to grant him an opportunity.

6. However, on perusal of paragraph no.7 of the impugned judgment, it is evident that after service of the summons, the applicant appeared before the Family Court. Thereafter, the matter was referred for counselling. The applicant attended the counselling only once, and thereafter, he did not turn up; therefore, counselling could not be completed. Likewise, as mentioned in paragraph no.8, despite granting sufficient chances, the applicant did not file his reply or written statement, and therefore, the matter proceeded without his written statement. In view of the same, I do not find substance in his

contention that no opportunity was granted to the applicant to contest the application.

7. On the other hand, it seems that the learned Family Court has granted ample opportunities to him to contest the matter. Firstly, he referred the matter to counselling, but he failed to attend the counselling. Secondly, the family Court has granted ample opportunities to file the reply, but the applicant did not file the same, and therefore, the matter proceeded without a reply. In such circumstances, it could not be said that no opportunity was granted to the applicant. It is apparent that the applicant willfully avoided proceeding with the matter, and therefore, in my view, he is not entitled to a further opportunity by remanding the matter to the trial Court. As such, I do not find substance in his contention in that regard.

8. The second limb of the argument is that the applicant suffers from a lumbosacral spine dislocation of the disc at L3, L4, L5 and S1. Therefore, he is unable to work properly. He has also filed the MRI report and the application for condonation of delay. On perusal of the same, it is evident that the said MRI was conducted on 09th June, 2025, i.e. after passing the judgment by the learned Family Court. Moreover, the said document was not produced before the Family Court, and therefore, the said document cannot be taken into consideration while determining the question in dispute. Consequently, I do not find substance in his contention on the said point.

9. It is pertinent to note that the applicant is holding 75 R land at Mauje Bhikapur. Holding of the land itself indicates that the applicant is an able-bodied person and has sufficient means to earn the money. In the said eventuality, the amount awarded by the learned Family Court appears to be too meagre to satisfy the daily needs of the respondent. Apart from that, the learned trial Court in paragraph no.12 of the judgment has dealt with the income of the applicant and held that the applicant has sufficient means to pay the maintenance of Rs. 7,000/- per month to the respondent.

10. It is pertinent to note that the husband's obligation is 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. It is to be noted that the husband has to fulfil her day-to-day needs; he is duty-bound to provide a maintenance amount to her to live her life as per his status. In such an eventuality, it is necessary to grant maintenance to her. As observed above, the applicant has sufficient means to earn the money. *Besides*, judicial notes can be taken that there is a rise in the prices of essential commodities. Therefore, the maintenance amount granted to the respondent also appears to be too meagre to satisfy her daily needs.

11. On assessment of the above discussion, it appears that learned counsel for the applicant failed to point out that the order passed by the learned Judge of the Family Court is manifestly perverse or improper to interfere in it in the revisional jurisdiction. On the contrary, the judgment is

found well-reasoned. As a result, the revision application, being devoid of merits, stands dismissed. No order as to costs.

(ABHAY J. MANTRI, J.)

SSD