



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 199 OF 2023

Umakant Venkatrao Bhise

Age 47 years, Occ. Agri.

r/o Pimpri (Amba) Tq. Dist. Latur

..APPLICANT

VERSUS

1. Sushama Umakant Bhise

Age 44 years, Occ, HH.

R/o Pimpri (Amba) Tq. Dist. Latur

presently residing at Bhosa Tq. Dist. Latur

2. Nikhil s/o Umakant Bhise,

Age 18 years, Occ. Agri.

R/o As Above

..RESPONDENTS

....
Mr. R.R. Deshmukh, Advocate for the applicant

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CORAM : ABHAY J. MANTRI, J.

DATE : 15th OCTOBER, 2025

ORAL JUDGMENT:

1. The applicant–husband has preferred this revision application challenging the judgment and order dated 29th March, 2023, passed by the learned Judge of the Family Court, Latur, in Petition No. E-32 of 2021, whereby maintenance of Rs. 4,000/- per month was granted to Respondent No.1 – wife and Rs. 3,000/- per month to Respondent No.2 – son from the date of the application.

2. Heard learned counsel for the applicant and perused the impugned judgment and the record.

3. At the outset, it appears that Respondent Nos. 1 and 2, being wife and son respectively of the applicant, had filed an application for the grant of maintenance under Section 125 of the Code of Criminal Procedure. The applicant appeared and resisted their claim. After considering the evidence on record, the learned Judge has partly allowed the application, thereby directing the applicant to pay maintenance as referred above. Hence, this revision application.

4. Learned counsel for the applicant drew my attention to the 7/12 extract (pg.no.50) and vehemently contended that the learned Judge has not considered the same in its proper perspective and erred in observing that the applicant is holding the irrigated land; in fact, the land is unirrigated, having no potential to earn money. Similarly, he tried to point out that the mother of the applicant was suffering from illness, and therefore, he needed money to spend on her medical treatment. However, the learned trial Court has not considered the said fact, and thus, he submitted that the findings recorded in the impugned judgment can not be sustained in the eyes of the law and urged for setting aside the same.

5. It is pertinent to note that the applicant is neither disputing his relationship with the respondents nor disputing that the respondents reside separately, and he has not provided any maintenance to them before filing

the application. However, the applicant is challenging the impugned judgment only on the grounds of the quantum of the maintenance.

6. The learned Judge, while considering the income of the applicant, in paragraph nos. 23 to 29 has categorically observed that the applicant is holding 1 Acre and 5 R land, as he has admitted. He was taking Soyabin and gram, etc., crops from the said land, and therefore, he might have earned an income of Rs. 25 to 30 thousand per month from the said land. Moreover, he is an able-bodied person and has sufficient means to earn money. On bare perusal of the impugned judgment, I do not find any illegality or perversity in the findings recorded by the learned judge to interfere with it.

7. On perusal of the record and impugned judgment, the applicant appears to have sufficient means to pay maintenance to the respondents. Therefore, the learned Judge has rightly granted the maintenance to them. On the contrary, the applicant failed to show that he does not have sufficient means to pay maintenance to the respondents. Also, he failed to point out that the findings recorded by the learned Judge are illegal or perverse, or are a sanctuary of errors to interfere in the revisional jurisdiction. On the other hand, it is to be noted that the findings recorded by the learned Judge are based on the proper appreciation of evidence on record. Therefore, no interference is required in the impugned judgment and record.

8. It is pertinent to note that it is the husband's obligation to maintain his wife and son. 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. It is to be noted that the husband has to fulfil the day-to-day needs of his wife and son; he is duty-bound to provide a maintenance amount to them to live their life as per his status. In such an eventuality, it is necessary to grant maintenance to them. As observed above, the applicant has sufficient means of income to earn 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 respondents also appears to be too meagre to satisfy their daily needs.

9. Apart from the above, Section 125 of the Code of Criminal Procedure 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 Code of Criminal Procedure is not a benefit received by the wife and son but rather a legal and moral duty owed by the husband to maintain his wife and son. Undisputedly, the wife and son do not reside with the husband, and the husband does not pay them anything for their maintenance. This itself is sufficient to grant maintenance to them.

10. It is made clear that Respondent No.2 is entitled to receive maintenance until he can earn income, though as per Section 125(c) of the Cr. P. C., the child is entitled to maintenance until he attains majority. Therefore, considering the facts of the present case, I am of the view that

Respondent No.2 is taking education and thus entitled to receive the maintenance till he earns money.

11. Consequently, the application being devoid of merits, stands dismissed. No order to costs.

12. Needless to clarify, the applicant is directed to deposit arrears of maintenance amount before the Family Court within eight weeks from today, failing which the Judge of the Family Court shall take appropriate steps to get it complied as per the order.

(ABHAY J. MANTRI, J.)

SSD