



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 953 OF 2025

Siraj Siddiqui Sayed,
Age : 59 years, Occu : Retired,
R/o. Giram Galli, Karanja Road.
Tq. & Dist. Beed.

...PETITIONER

Versus

Mijaj @ Noojaha Begum Sayed Siraj,
Age : 50 years, Occu : Household,
R/o. Kesapurai (Parbhani),
Tq. & Dist. Beed.

...RESPONDENT

Ms. Nishat Shaikh h/f Mr. Sayyed Tauseef Yaseen, Advocate for the
Petitioner.

Mr. V. A. Patil h/f Mr. S. B. Choudhari, Advocate for Respondent.

CORAM : ABHAY J. MANTRI, J.

DATE : NOVEMBER 25, 2025

JUDGMENT:

1. Heard. **Rule.** Rule is made returnable forthwith and heard finally with the consent of learned counsel for the parties at the admission stage.

2. The petitioner assails the judgment and order dated 26th March 2025, passed by the learned Sessions Judge, Beed, whereby the learned Sessions Judge partly allowed the revision filed by the petitioner and thereby reduced the maintenance amount from ₹ 6,500/- per month to ₹4,000/- per month, which was granted by the learned Magistrate.

3. The learned counsel for the petitioner drew my attention to paragraph No.12 of the impugned judgment and order and submitted that the petitioner is receiving a pension of ₹ 4,500/- per month, and therefore, the maintenance of ₹ 4,000/- granted is excessive. She accordingly urged its reduction. However, I do not find any substance in her contention in that regard, as it appears that the petitioner received ₹40,00,000/- from the MSRTC at the time of his retirement; however, he failed to pay the maintenance in a lump sum to the respondent.

4. 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. Moreover, a judicial note can be taken that prices of essential commodities are escalating day by day. Therefore, it is very difficult for the respondent to survive without any maintenance for her daily needs.

5. It is worth noting 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 the husband owes to maintain his wife. Undisputedly, the wife does not reside with the husband, and the husband does not pay her any maintenance; these facts are sufficient to grant her

maintenance.

6. Having considered the above, I do not find any merit in the contention of the petitioner to modify the said order, which is without substance. Thus, the petition, being devoid of merit, stands dismissed.

7. The rule is discharged. No costs.

8. Needless to clarify that the petitioner is directed to deposit the entire arrears of maintenance before the learned Magistrate within a period of eight (08) weeks from today; failing which, the learned Magistrate is directed to take appropriate steps to ensure compliance with the order of this Court.

8. Inform the learned Magistrate accordingly.

(ABHAY J. MANTRI, J.)