



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 231 OF 2025

Shaikh Ather Shaikh Moiz
Age : Major years, Occu: Nil
R/o : Shahbazar, Aurangabad

..APPLICANT

VERSUS

1. Salmanoor Shaikh Ather
Age : Major, Occu : Service,
R/o : Plot no.76, Dilras Colony, Arif colony
Chh. Sambhajinagar.

2. Ibrahim S/o. Shaikh Ather
Age : Minor,
U/G. Respondent No. 1

..RESPONDENTS

....
Mr. Md. Asif Iqbal Siddiqui, M.T., Advocate for the applicant
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CORAM : ABHAY J. MANTRI, J.
DATE : 03rd OCTOBER, 2025

ORAL JUDGMENT :

1. The applicant, husband of Respondent No.1, has preferred this revision application challenging the order dated 26th May, 2025, passed below Exh. 6 in Petition No. E-201 of 2023 by the learned Principal Judge, Family Court, Aurangabad, thereby granting interim maintenance of Rs. 5,000/- per month to each respondent until the disposal of the said petition.

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

3. It is pertinent to note that the applicant does not dispute his relationship with the respondents or that he is an M. Tech. in mechanical. The applicant also does not dispute that he worked as a lecturer earlier and got a salary of Rs. 70,000/- to Rs. 80,000/- per month. However, his contention is only that in 2024, he was relieved from the service; therefore, he does not have an income source to pay the maintenance, and he is unable to pay the maintenance amount. He further contended that the applicant had filed two false affidavits before the learned Judge regarding her income. In fact, she is a lecturer in a Urdu medium school and earns an amount of Rs. 8,000/- per month. However, the learned Family Court has not considered the said fact and granted the maintenance as stated above, and therefore, he urged for modifying the said order by ordering him to pay Rs. 5,000/- per month in a lump sum to both respondents.

4. It is pertinent to note that the applicant is an M. Tech. and was a lecturer. This indicates that he is an able-bodied person. It is pertinent to note that the husband's obligation is 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 worth noting that the husband has to fulfil their day-to-day needs; he is duty-bound to provide a maintenance amount to them to live their life as per his living standard. In such an eventuality, it is necessary to grant maintenance to them, as it is not disputed that they are living separately from him. 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 their daily needs, and thus, the respondent needs the money for their livelihood.

5. The contention regarding filing two false affidavits by Respondent No.1 will be considered at the time of appreciation of evidence on record and not at the interim stage. Therefore, I do not find substance in the contention of learned counsel for the applicant that the learned Judge has not considered this fact and erred in awarding maintenance. On the contrary, it appears that the order passed by the learned Judge is just and proper, and therefore, in my view, there is no need to interfere in the impugned order in the revisional jurisdiction. That being so, the revision application being devoid of merits, stands dismissed. Inform the learned Family Court of this order.

(ABHAY J. MANTRI, J.)

SSD