



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 213 OF 2024

Jagannath s/o Murlidhar Sherkar
Age : 39 years, Occ : Service,
R/o Dhangar Takli, Taluka Purna,
District Parbhani.

... Applicant

Versus

Mukta w/o Jagannath Sherkar
Age : 36 years, Occ : Household,
R/o Dhangar Takli,
At present Tattu Jawala,
Taluka and District Parbhani.

... Respondent

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Mr. M. P. Gandle h/f Mr. L. B. Deshmukh, Advocate for the Applicant.
Mr. Sudhir K. Chavan, Advocate for the Respondent.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 17.12.2025

Pronounced on : 19.12.2025

JUDGMENT :

1. Revisionist-original respondent (husband) takes exception to the judgment and order dated 16.04.2024 passed by learned Judge, Family Court, Parbhani in Petition E No. 63 of 2021.

2. Present respondent (original petitioner) instituted proceedings under Section 125 of Cr.P.C. against husband seeking maintenance to the tune of Rs.15,000/- per month along with expenses for the

proceedings on the premise that, after marriage dated 02.06.2010, there was maltreatment and finally on 20.03.2012, she was driven out of the house and husband made no arrangement for her maintenance in spite of getting salary by working as Police Constable in police department and apart from having salary income, had other income from agriculture, etc.

3. The above proceedings were contested by husband denying all averments in the complaint and he also denied driving her out of the house and rather put up a case that she, on her accord, left the matrimonial house as she was intending to marry another person. He also set up a case that, wife was H.Sc., D.Ed. and by working as a teacher, she earned Rs.25,000/- per month.

4. After considering respective cases of each side, learned Family Court recorded a finding that, wife was unable to maintain herself and husband, though having sufficient means, neglected and refused to maintain her and thereby, awarded Rs.10,000/- per month maintenance, which is now subject matter of revision.

5. Learned counsel for revision petitioner would submit that, impugned judgment is erroneous and illegal. That, the findings

recorded are in absence of any documentary evidence. Learned counsel pointed out that wife has already, in settlement, taken Rs.6,00,000/- and has caused signature over the bond. Therefore, present petition under Section 125 Cr.P.C. was not maintainable and was rather with sole intention to extract more money.

6. He next submitted that, it has come on record before the Family Court that wife was H.Sc., D.Ed. and was working as a teacher and as such, she had her own means to maintain herself, but still, according to learned counsel, learned trial court granted maintenance of Rs.10,000/-. According to him, on the contrary, husband by working as constable, has only salary income and no other income and there was no documentary evidence to show that husband earned Rs.53,000/- so as to grant Rs.10,000/- maintenance.

7. On going through the impugned judgment, though present revision petitioner-husband set up a case that, marriage has been dissolved, the quality of evidence that was relied, had no force in law as there were mere writings over the stamp/bond paper and signature over it has been denied by wife. Husband seems to have set up a case that wife, with above qualification, was working as a teacher. It emerges from the judgment of trial court that, though wife was earlier

working as teacher, it was during cohabitation and not at the time of instituting proceedings under Section 125 Cr.P.C. There was no distinct evidence demonstrating that, at the time of instituting above proceeding wife was earning Rs.25,000/- by working as a teacher. On the contrary, in cross, husband has admitted that he earned salary of Rs.53,000/- to Rs.54,000/- apart from admitting agricultural property in his name.

8. Therefore, considering such sources and means, learned trial court has thought it fit to grant maintenance to the wife to the tune of Rs.10,000/-.

9. This court, also on re-appreciation of available evidence, finds grant of above quantum to be justified in the light of salary income and agricultural income of husband. No illegality or perversity is brought to the notice so as to interfere. Hence following order :

ORDER

The Criminal Revision Application is dismissed.

[ABHAY S. WAGHWASE, J.]