



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

916 CRIMINAL REVISION APPLICATION NO. 222 OF 2019

**RAVINDRA SAKHARAM GHIGE
VERSUS
SMITA RAVINDRA GHIGE AND ANR**

.....
Advocate for Applicant : Mr. Garud N.C.
Advocate for Respondents : Mr. Aishwarya Takale h/f. Deshmukh Charuta
.....

**CORAM : Y.G. KHOBRAGADE, J.
DATE : 12.12.2025**

PC.:-

1. Heard advocate Mr. Garud, the learned counsel appearing for the applicant and Adv. Ms. Aishwarya Takale h/f. Adv. Mrs. Charuta Deshmukh, the learned counsel appearing for the non-applicants at length.
2. By the present revision, the applicant takes exception to the judgment and order dated 26.04.2019 passed by the Family Court, Ahmednagar, in Petition E-105/2018, thereby directed the present applicant/original non-applicant to pay maintenance of Rs.10,000/- per month to the applicant no.1/wife i.e. present non-applicant no.1 and Rs.7,000/- to the non-applicant no.2/minor child.

3. The present revision applicant is the original non-applicant and non-applicant nos.1 & 2 are original applicants in Petition E-105/2018. For the sake of brevity parties to the present revision will be referred in their original capacity as applicants and non-applicants.

4. It is not in dispute that, on 18.05.2001, the marriage between the applicant no.1 and non-applicant was solemnized at Vrudeshwar Devasthan, Tq.Pathardi, Dist. Ahmednagar as per Hindu customs and rights. It is also not in dispute that out of matrimonial relations they were blessed with applicant no.2. The applicant/wife alleged that by profession her husband/non-applicant is a Medical Practitioner. After marriage, her husband/non-applicant insisted her for bringing an amount of Rs. 5,00,000/- (Rupees Five Lakhs only) from her parents for construction of hospital and on failure to fulfill said demand, she was subjected to cruelty and domestic violence. Subsequently, non-applicant started practicing near Ahmednagar and shifted to Vilad, Taluka Ahmednagar. However, the non-applicant closed said clinic. Thereafter, her husband/non-applicant did medical practice at various places but she was not allowed to cohabit with him. Further, the non-applicant restrained her from doing medical practice and failed to maintain her and the minor child. The non-applicant mercilessly beat the applicant and drove her out of the matrimonial house with child. The applicant contended that, the

non-applicant is working as a Medical Officer at Parmar Hospital, Lonavala and drawing salary of Rs.80,000/- to Rs.90,000/- per month and she has no source of income, hence, prayed for maintenance.

5. The non-applicant/husband filed his reply at Exh.19 and denied all adverse allegations made against him. However, the non-applicant has not denied solemnization of marriage between him and applicant no. 1 on 18.05.2001. The non-applicant has not denied about paternity of child applicant no.2. The non-applicant has not denied that he is not a Medical Practitioner but he denied about monthly salary as alleged by the applicants. The non-applicant denied about raising domestic violence against the applicant no.1. According to the non-applicant he made many efforts to bring the applicant no.1 for co-habitation but the applicant no.1 never responded. Ultimately, on 23.05.2016, he issued notice for restitution of conjugal rights but the applicant failed to comply the same, hence, the applicants are not entitled for maintenance.

6. The non-applicant further contended that, the applicant no.1 voluntarily left his company. The applicant no.1 is highly educated and drawing monthly income of Rs.40,000/- to Rs.50,000/- from medical practice and also drawing income of Rs.50,000/- by doing job as a Lecturer. Besides

this, his wife applicant is running yoga classes and earning Rs. 30,000/- per month, hence, prayed for dismissal of the proceeding.

7. In order to prove claim of maintenance, the applicant/wife filed evidence affidavit at Exh.9 and reiterated the facts of her application. The non-applicant conducted cross-examination through his counsel. In cross-examination it has been brought on record that, the applicant is BAMS and after marriage she cohabited with non-applicant at Beed, where the non-applicant was running a small Clinic. The applicant admitted about service of notice dated 23.05.2016 and she has not complied with said notice because she was having lot of trouble at her matrimonial house. The applicant denied that in the month of October-2016 she has not cohabited with the non-applicant. The applicant further denied that she is working as a Lecturer with the Ayurved Medical College.

8. The non-applicant has filed evidence affidavit at Exh.33 and reiterated his defence. In cross-examination, it has been brought on record that, the non-applicant is having agricultural field in his father's name. He is RMO (Resident Medical Officer) with Parmar Hospital, Lonavala and drawing income of Rs.33,800/-. The non-applicant has not disclosed his income in the affidavit. The non-applicant has not disclosed the fact that he is working being Medical Officer with Parmar Hospital, Lonavala. However, in cross-

examination, the non-applicant admitted that he is working as a RMO with Parmar Hospital, Lonavala and drawing income of Rs.33,800 per month.

9. On 26.04.2019, the learned Family Court, Ahmednagar passed the impugned order holding that, the non-applicant is working being Resident Medical Officer with Parmar Hospital, Lonavala and drawing income of Rs.33,800 per month, however, without sufficient cause, the non-applicant neglected to maintain the applicants. Though, the applicant is having qualification but she has no earning source to maintain herself and the minor child. Therefore, the learned trial Court granted maintenance of Rs.10,000/- per month in respect of applicant no.1 and Rs.7000/- in respect of applicant no.2/minor child, which does not appear exorbitant and illegal.

10. The learned counsel appearing for the applicant placed reliance on **Aarif V/s. Shajida; 2019 SCC OnLine MP 1379**, however, it is not applicable to the facts and circumstances of the present case.

11. Per contra, the learned counsel appearing for the non-applicant canvassed that though the applicant/wife is having source of income but if said income is not sufficient to maintain herself and the husband is earning sufficient income in such circumstance, the applicant-wife is entitled for maintenance. To buttress these submissions, the learned counsel appearing for

the non-applicant placed reliance on *Chaturbuj V/s. Sita Bai; AIR 2008 SC 530*, wherein it is held that, if the wife is unable to maintain herself and it has been proved that her husband neglected or refused to maintain her, it has to be established that the wife is unable to maintain herself and the income of the wife is not sufficient to maintain herself in that event the wife is entitled for the maintenance.

12. In the case in hand, though, the non-applicant claimed that his wife/applicant no.1 is serving as a Lecturer in the Ayurved Medical College and drawing salary of Rs.40,000/- to Rs.50,000/- and also drawing income by running yoga classes, however, non-applicant/husband failed to bring any material on record to substantiate that, the applicant/wife having source of income and she is drawing such income as alleged by him. No sufficient evidence is brought on record to prove that the applicant/wife is running yoga classes and earning monthly income of Rs.4000/- to Rs.5000/-. Needless to say even if said income is considered but is it sufficient for maintenance of the applicants. Therefore, considering monthly income of the non-applicant, the learned Family Court passed the impugned order and granted maintenance, which does not appear illegal, bad in law. The applicant has not made out substantial grounds to interfere with findings recorded by the Court below.

13. In view of above discussion, Revision is dismissed with cost of Rs.10,000/- which is payable by the applicant to the non-applicant no.1/wife.

[Y.G. KHOBRADE, J.]