



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

CRIMINAL REVISION APPLICATION NO. 253 OF 2025

. Prashant Rangnath More
Age: 38 years, Occu.: Service,
R/o. : Lasur Road,
in front of Bachpan School,
Samarth Ashok Nagar, Gangapur,
Tq. Gangapur, Dist. Aurangabad.Applicant

Versus

1. Priya Prashant More
Age: 23 years, Occu.: Service Provider,
R/o. : Gut No.17, Survey No.63,
Nakshatra Wadi, Khalwadi Parisar,
Paithan Road, Aurangabad.
2. Rangnath Ramrao More
Age: 60 years, Occu.: Nil.
3. Yashodabai Rangnath More
Age: 58 years, Occu.: House wife
4. Prajakta Amit Mandale
Age: 34 years, Occu.: House wife
5. Pankaj Rangnath More
Age: 30 years, Occu.: Education.

Respondent nos.2 to 5 all R/o. Lasur Road,
Infront of Bachpan School,
Samarth Ashok Nagar, Gangapur,
Tq. Gangapur, Dist.Aurangabad.Respondents

...

Advocate for Applicant : Mr. Balbhim R. Kedar

Advocate for Respondent no.1 : Mr.M.G.Kochar h/f.

Mr. Bharatkumar Ramdeo Warma

...

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 24 NOVEMBER, 2025
PRONOUNCED ON : 27 NOVEMBER, 2025

JUDGMENT :

1. In instant revision, there is challenge to Judgment and order dated 27-06-2025 passed by learned Additional Sessions Judge, Aurangabad in PWDVA Appeal No.88 of 2024 arising out of Judgment and order dated 19-07-2024 passed by learned Judicial Magistrate First Class (JMFC), Court No.11, Aurangabad in PWDVA No.23 of 2021.

2. In nutshell facts of prosecution case are that, revisionist and respondent no.1 herein got married on 23-12-2018. Post marriage, present respondent no.1 wife alleged domestic violence and instituted proceedings bearing PWDVA No.23 of 2021 urging for directions and monetary reliefs under Section 12 of the Protection of Women from Domestic Violence Act ("the D.V.Act"). She attributed physical and mental violence and cruelty, she being driven out of the house and not being provided for her maintenance and rather being neglected. Therefore, she sought maintenance to the tune of Rs.30,000/- per month, Rs.10,000/- towards house rent and also sought compensation to the tune of Rs.30,00,000/-.

3. Such proceedings were contested by present revision petitioner husband and after appreciating their evidence at exh.53 and 74 respectively, learned trial Court was pleased to record findings that there is domestic violence and therefore, wife is entitled to Rs.20,000/- per month towards maintenance as she is neglected. However, learned trial Court refused to award quantum of compensation as prayed and awarded Rs.1,00,000/- towards compensation.

4. Respondent no.1 wife again challenged above Judgment for enhancement of maintenance, compensation and for rejection of distinct amount for rent. She succeeded in appeal too whereby maintenance amount was raised from Rs.20,000/- per month to Rs.30,000/- per month and revisionist husband was directed to pay Rs.5,000/- per month towards rent and even compensation awarded by trial court was raised from Rs.1,00,000/- to Rs.5,00,000/-.

Precisely getting dissatisfied by above orders, husband has preferred instant revision.

5. Learned counsel for revisionist would point out that, both the

learned Courts below failed to consider and appreciate the cases advanced by the parties as well as the evidence on record. He would point out that proceedings were false and out of annoyance for the reason of husband instituting proceedings for declaration of marriage to be void, as wife maintained extra marital relations. That, she had also filed FIR No.426 of 2020 for offence under Sections 498-A, 354, 323, 504 and 506 of the Indian Penal Code and merely to further harass husband, she had instituted proceedings under the D.V Act before learned JMFC, Aurangabad. He pointed out that, learned JMFC failed to consider that wife has left the company of husband on her own accord and without just and sufficient cause and as such was not entitled for maintenance. That, there was no evidence in support of alleged domestic violence. That, merely by appreciating her affidavit and without considering the answers given by her in cross-examination, learned JMFC was pleased to record finding that wife was victim of domestic violence.

6. He further submitted that against said order even present revisionist has engaged counsel for challenging the order of learned JMFC, Aurangabad and even draft of the same was prepared. That, a copy of the said draft is also placed on record. However, according to

him, subsequently, he learnt that his Advocate had neither filed appeal nor had taken steps to challenge the order of learned JMFC. According to him, for the fault of Advocate, party should not suffer.

7. He further submitted that even the First Appellate Court failed to consider and appreciate the evidence and say given by husband and moreover, in absence of any cogent and convincing reason, allowed the appeal of respondent no.1 wife and raised the maintenance from Rs.20,000/- per month to Rs.30,000/- per month. He pointed out that even compensation was exorbitantly raised without assigning just reasons. That, in fact learned trial court had rightly held that revisionist husband was ready to accommodate and cohabit with her and therefore, she was not entitled for distinct amount under the head of rent. For all above reasons, learned Counsel urges to allow the revision.

In support of his case, learned counsel placed reliance on the decision of this Court (Bench at Nagpur) in the case of *Akshay Navalkishor Lakhotiya (Dr.) and Others v. Arti Akshay Lakhotiya (Dr.) and Another*, 2016 DGLS (Bom.) 983.

8. In answer to above, learned Counsel for respondent no.1

would support Judgment and order of learned First Appellate Court by pointing out that even learned trial court had on complete appreciation of available evidence, recorded a finding that respondent no.1 wife is victim of domestic violence and she was entitled to monetary reliefs. It is pointed out that husband was earning salary to the tune of Rs.96,000/- per month and therefore, grant of Rs.20,000/- per month towards maintenance was insufficient to meet current expenses required for subsistence and therefore, wife had preferred appeal wherein there was correct appreciation of facts and circumstances and amount of maintenance as well as compensation was rightly enhanced. According to learned Counsel, the findings of the learned First Appellate Court are in consonance with the evidence and the same cannot be faulted at.

Learned counsel seeks reliance on the decision of this Court (Bench at Principal Seat) dated 22-03-2024 passed in Criminal Revision Application No.234 of 2023 (*Kaushal Arvind Thakker v. Jyoti Kaushal Thakker and Ors.*).

9. Heard each of the sides to their satisfaction. Relations between the parties are not disputed. Subsequent to marriage, as relations between parties became strained in view of allegations and counter

allegations, wife was put up with her parents and she instituted proceedings by invoking Section 12 of the D.V. Act and sought reliefs under Sections 18, 20, 22 of the D.V. Act and other ancillary reliefs. The above case was resisted by revisionist husband by filing say at exh.18. He refuted and traversed entire contentions and averments raised in the petition as well as in the evidence.

10. Learned trial Court seems to have recorded a finding that husband is responsible for inflicting domestic violence as a result of which she was constrained to live with her parents. However, learned trial Court also recorded a finding that though she is entitled for maintenance, she was not entitled for distinct amount under the head of rent as husband had expressed his willingness to accommodate her. Learned trial Court considered the salary of the husband and granted Rs.20,000/- per month for maintenance of wife and awarded compensation of Rs.1,00,000/-.

11. Dissatisfied by granting only Rs.20,000/- per month towards maintenance and on account of refusal to pay amount towards rent and to enhance compensation, wife again preferred appeal and succeeded in the same.

12. As regards to evidence of wife in trial Court is considered, the same has remained unshaken. There is very limited cross-examination which too is of denial. Husband has levelled allegations of previous marriage and her extra marital affair, but he could not substantiate his such stand. He has also not challenged the very Judgment and order passed by learned JMFC, Aurangabad. He is an educated person and working as Assistant Branch Manager in a Bank, and therefore, merely by trying to shift responsibility of not filing appeal against his Counsel, it would not suffice. He ought to have remained diligent from his side itself if at all he was aggrieved by the order of learned JMFC, but the same had not happened.

13. As pointed out, learned Additional Sessions Judge, who dealt with the appeal, has enhanced maintenance awarded by trial court from 20,000/- per month to Rs.30,000/- per month by assigning reasons in paragraph 19 and 20 of the impugned Judgment. Now before this Court, it is tried to be submitted that there is no reason to enhance the maintenance amount. However, learned First Appellate Court seems to have noticed that revisionist husband drew salary of nearly Rs.96,000/- per month. Therefore, taking the same into consideration and when there was no issue to the parties, for

maintenance of wife, in current days, by virtue of rise in expenses for living, the amount has been raised from Rs.20,000/- per month to Rs.30,000/- per month. Therefore, this court does not find any illegality or error on the part of learned First Appellate Court in doing so.

14. Second challenge to the impugned Judgment of learned First Appellate Court is that it had granted amount towards rent when even learned JMFC had refused for the same. To this extent, there is discussion in the Judgment of First Appellate Court in paragraph 15, which shows that by virtue of rise in size of the family of parents of the wife, she was entitled for separate amount under the head of rent. It is noticed that wife had sought rent even before learned trial Court, but the same was turned down on the ground that husband was willing to accommodate her and she herself had refrained from going for cohabitation. However, when there are allegations of extra marital affair without any foundation, it is difficult for wife to come to cohabit and she rightly refused to do so. Learned trial court had not pondered over this aspect. Be it so, learned First Appellate Court had awarded Rs.5,000/- per month towards rent, which also seems to be justified and reasonable.

15. Another challenge in this revision is to the rise in compensation awarded by learned trial court. Learned Counsel for revisionist pointed out that learned trial Court had awarded only Rs.1,00,000/- compensation, but learned First Appellate Court raised it Rs.5,00,000/- without assigning any reason. In view of such submission, impugned order is visited and learned First Appellate Court seems to have dealt with this aspect in paragraph 21 of the Judgment. Indeed, it is emerging that merely by stating that husband had levelled wild allegations on her character and same being not substantiated, there is need to grant enhance amount of compensation. The learned First Appellate Court raised it from Rs.1,00,000/- to directly Rs.5,00,000/-. This, in the considered opinion of this Court, is without assigning sufficient cause to raise the amount, because even in the trial court, same set of allegations were raised and learned trial court had granted Rs.1,00,000/-, which was just and proper. Therefore, only to this extent, interference is called for.

16. To sum up, revisionist herein has failed to make out a case on merits for interference in the order of learned First Appellate Court to the extent of raising quantum of maintenance from Rs.20,000/- per

month to Rs.30,000/- per month as the salary of husband has been taken into account. Similarly, considering the right of wife to seek amount towards rent, it has also been considered appropriately by learned First Appellate Court, which was not considered by learned trial court and therefore, to such extent this court finds no reason to interfere.

In this revision, interference is only caused to the extent of rise in compensation from Rs.1,00,000/- to Rs.5,00,000/- and so the amount awarded by learned trial Court i.e. Rs.1,00,000/- towards compensation is maintained as just and proper. Hence, the following order :

ORDER

(I) Criminal Revision Application is partly allowed.

(II) Clause (ii)(c) of the operative part of the Judgment and order dated 27-06-2025 passed by learned Additional Sessions Judge, Aurangabad, in PWDVA Appeal No.88 of 2024 is modified as under :

“(ii)(c) The respondent no.1 husband is directed to pay compensation of Rs.1,00,000/- to the applicant wife within one month from the date of this order.”

(III) Rest of the Judgment and order dated 27-06-2025 passed by Additional Sessions Judge, Aurangabad, in PWDVA Appeal No.88 of 2024 is kept intact.

(ABHAY S. WAGHWASE)
JUDGE

SPT