



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 279 OF 2024

Vijay Babanrao Ingale,
Age: 36 Years, Occu: Service,
R/o. Paras, Akola, Balapur Road,
Near Petrolpump, Balapur,
Tq. Balapur, Dist. Akola

...Applicant

Versus

1. Sunita Vijay Ingale,
Age: 33 years, Occu. Household
2. Mansi Vijay Ingale,
Age: 10 years, Occu: Education,
(Respondent No. 1 for herself and on behalf
of Respondent No. 2 being the mother)

Both R/o C/o Laxman Zabuji Wankhede,
R/o Anuraga, P No. 13,
State Bank Colony, Jalgaon
Tq. and Dist. Jalgaon

...Respondents

- Mrs. Seems Gaikwad h/f Mr. P. S. Gaikwad, Advocate for the Applicant
- Mr. A. J. Patil, Advocate for the Respondents

CORAM : ABHAY S. WAGHWASE, J
RESERVED ON : NOVEMBER 24, 2025
PRONOUNCED ON : NOVEMBER 25, 2025

ORDER :

1. In this revision, exception has been taken to order dated 04.01.2023 passed by learned Family court, Jalgaon in Petition No. E-328 of 2019 instituted by wife and daughter seeking maintenance by invoking Section 125 Code of Criminal Procedure (Cr.P.C).

2. In nutshell, case before trial Court is as under.

Present respondent no. 1 and 2, wife and daughter of present revisionist, instituted Petition no. E-328/2019 before Family Court, Jalgaon on the premise that after marriage of revisionist and respondent no. 1 in February, 2008, respondent no. 2 was born out of their wedlock. That, since inception, parent in-laws and husband quarrel for not getting proper gifts and household articles. She was not allowed to visit her parents on festivals. Husband suspected her character and on instigation by others, he used to beat her. In 2009, while she was pregnant, she was beaten and driven out of house and refused to be taken back. Therefore, she instituted domestic violence proceedings no.257/2011 and both respondent nos. 1 and 2 were allowed maintenance of Rs.1,500/- and Rs.700/- per month and the same was questioned by husband. During pendency of above proceedings, husband instituted petition for divorce and as respondent-wife failed to contest, ex parte proceedings ended up in dissolution of marriage.

3. In above background, on account of being neglected to be maintained, wife on behalf of herself as well as her minor daughter, had sought maintenance on the premises that husband having sufficient means by virtue of his earning of Rs. 40,000/- per month from salary, there was refusal and neglect to maintain them and hence, she prays for maintenance to the tune of Rs. 25,000/-.

4. Above proceedings were contested by present revisionist by filing say at Exhibit 66 by denying allegations in toto and setting up a case that wife was frequently visiting her parents' house and pressurizing him to live separately from his parents. That, he sent her notice for resumption of cohabitation by filing restitution petition and as she did not turned up, he was constrained to file divorce petition, which came to be allowed and as such, marriage being dissolved, and he having remarried and having children from second marriage, has liability and responsibility towards them and therefore, he is not liable to pay maintenance.

5. Parties have adduced evidence at Exhibits 35 and 48 respectively. Averments raised in the affidavit of evidence by wife have apparently stood unshaken. Nothing adverse have been brought to disbelieve her evidence. On the contrary, aspect of she residing separately with her daughter from revisionist has been sufficiently substantiated and demonstrated. There is nothing to show that wife has her own sufficient means to maintain herself. On the contrary, husband in his cross admitted that he is in the service of MSEB and is serving as engineer. He has admitted regarding getting salary to the tune of Rs. 40,000/-. Though maintenance is sought to be avoided, none of the grounds available to him under Section 125 (4) are made out. Wife is residing separately since 2009. Wife has admitted that husband performed second marriage and he also has children

from second marriage. However, merely dissolution of marriage will not disentitle her from receiving maintenance. When wife has no means and husband has sufficient means, he is obligated to maintain his wife and daughter.

6. Considering the education of daughter in CBSE, the quantum awarded for the daughter and even the expense required for bare subsistence in current days, quantum of Rs. 4,000/- awarded to the wife cannot be said to be excess or exorbitant.

Therefore, as no case being made out and revisionist having failed to demonstrate any illegality or perversity on the part of trial court, revision is required to be dismissed. Accordingly, criminal revision application stands dismissed.

(ABHAY S. WAGHWASE, J.)

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