



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 348 OF 2025

Kiran Ujjain Patil

..APPLICANT

VERSUS

Ashwini Kiran Patil

..RESPONDENT

....
Mr. A.S. Mali, Advocate for the applicant

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CORAM : ABHAY J. MANTRI, J.

DATE : 07th OCTOBER, 2025

ORAL JUDGMENT :

1. The applicant has filed this revision application challenging the judgment and order dated 27th February, 2025, passed by the learned Judge of the Family Court, Jalgaon, in Petition No. E-145 of 2023, whereby maintenance was granted to the respondent of Rs. 10,000/- per month from the date of filing of the petition.

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

3. At the outset, it appears that the respondent, being the wife of the applicant, filed a petition for the grant of maintenance under Section 125 of the Code of Criminal Procedure (for Short- '*Cr. P. C.*') against the applicant. The respondent appeared in the matter but failed to file a reply/written statement. Therefore, the petition was proceeded without his say.

Accordingly, the learned Judge, after considering the evidence on record and believing the testimony of the respondent, has held that the applicant is an able-bodied person and has an ample source of income to pay maintenance of Rs. 10,000 per month to the respondent from the date of filing the petition.

4. Learned counsel for the applicant challenged the said order on two grounds. The first ground is that due to a lack of communication, the applicant did not file a say/written statement, and the second ground is that he has no sufficient income source to pay the said maintenance amount. Therefore, the learned Judge has erred in awarding maintenance of Rs. 10,000 per month, and as such, the impugned order is exorbitant. During the argument, he took me through paragraphs nos. 8, 10, and 12 of the impugned judgment and submitted that the learned judge had not considered the fact that the applicant had not been given the opportunity to contest the petition. Hence, he urged setting aside the impugned judgment and order.

5. It is pertinent to note that the applicant does not dispute his relationship with the respondent. The applicant further does not dispute that the respondent is residing separately from the applicant, and he has not provided any maintenance to her to date. He further does not dispute that he has landed property with his parents.

6. I would like to deal with the first ground raised by learned counsel for the applicant that no opportunity was given to the applicant to contest the petition. However, I do not find substance in his contention that in

paragraphs 7 and 12 of the impugned judgment, the learned Judge categorically observed that the applicant had appeared in the matter through his advocate, but did not file his written statement nor contest the petition. However, he has not brought any evidence on record to show how he was restrained from contesting the petition when he appeared in the matter. Similarly, the non-filing of the written statement itself indicates that the applicant willfully avoided contesting the matter. Due to the non-filing of the written statement, the matter proceeded ex parte. Therefore, it cannot be said that no opportunity was granted to the applicant to contest the petition. On the other hand, the record indicates that sufficient opportunity was granted to him to contest the petition, but he willfully avoided contesting the same.

7. The second ground raised by learned counsel for the applicant is that the applicant has an income of only Rs. 4 lakhs per annum from the agricultural land. That means the applicant has an income of Rs. 33,500 per month, whereas the learned Judge has awarded maintenance of Rs. 10,000 per month, i.e., approximately 27% to 30% of the applicant's total annual income. The learned Judge, while considering the quantum of maintenance, has dealt with the evidence on record in paragraphs 12 and 14 of the judgment. The respondent has filed a 7/12 extract of the agricultural property owned by the applicant on record and also observed that her evidence has gone unchallenged; therefore, there is no reason to disbelieve

her testimony on the point of the applicant's income. Having considered the landed property, the learned Judge held that the respondent is entitled to maintenance of Rs. 10,000/- per month from the date of filing of the petition. However, learned counsel for the applicant failed to point out how the said finding is perverse.

8. It is pertinent to note that the husband's obligation is to maintain his wife. He cannot be permitted to plead that he is unable to maintain her due to financial constraints as long as he is capable of earning a sufficient income. It is worth noting that the husband is duty-bound to fulfil the day-to-day needs of his wife and provide a maintenance amount to support her in living her life according to his status. In such an event, it is necessary to grant her maintenance, as the applicant has sufficient means to earn. *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 her daily needs.

9. Apart from the above, learned counsel for the applicant failed to show that the order passed by the learned Judge was manifestly perverse or was a sanctuary of errors. On the contrary, it appears that the order passed by the learned Judge is just and proper, and therefore, I do not find substance in his contention to interfere in the impugned judgment and order in the revisional jurisdiction.

10. Consequently, the application being devoid of merits, stands

dismissed. No order as to costs. Inform the order to the Family Court.

11. Needless to clarify that the applicant is directed to deposit the entire arrears of maintenance amount with the Family Court within eight weeks from today, failing which the learned Judge is to take appropriate steps to comply with this order.

(ABHAY J. MANTRI, J.)

SSD