



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 238 OF 2024

Irfan Shah s/o Imam Shah
Age : 35 years, Occ : Jr. Clerk,
R/o : Gausiya Masjid, Veni Road,
Sultanpur, Lonar, District Buldhana.

... Petitioner
[Orig. Respondent]

Versus

1. Rahila Anjum w/o Irfan Shah
(Rahila Anjum d/o Sardar Shah)
Age – 28 years,
Occ : Teaching and Stitching work,
R/o : Sardar Shah Rajjak Shah,
Azad Nagar, Lonar, Dist. Buldhana.
Presently residing at Nawaz Shah Hanif Shah,
10/10, Near Navin Jinsi Police Station,
Khasgate, Aurangabad.

2. Sabin Fatema D/o Irfan Shah,
Age – 6 years and 1 month,
U/g of respondent no.1.

... Respondents
[Orig. Applicants]

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Mr. Abid R. Shaikh, Advocate for the Applicant.
Mr. Patel Khizer and Mr. Z. H. Farooqui, Advocates for the
Respondents.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 05.12.2025

Pronounced on : 08.12.2025

JUDGMENT :

1. Revision petitioner-husband, original respondent, hereby assails
the judgment and order dated 12.07.2024 passed by learned Judge,

Family Court, Aurangabad in Petition No. E-201 of 2019 by which the petition of respondent-wife for maintenance for herself as well as their daughter has been granted.

2. In nutshell, present respondent no.1 filed above petition under Section 125 of Cr.P.C. before the Family Court, Aurangabad, contending that after marriage with revision petitioner on 15.04.2016, she was initially treated properly for few days. Thereafter, it is alleged that, there was demand of Rs.5,00,000/- and she was maltreated on one or the other count. She was repeatedly given threats to give divorce. By advent of time, she conceived and delivered girl child, but ill-treatment on account of demand of Rs.5,00,000/- continued and finally, she and the daughter were allegedly expelled from the house and she is staying at a rented premises.

3. According to her, she and her daughter were neglected to be maintained and that she has no independent source and means to maintain both of them. Her case was that, husband worked as a junior clerk in Tahsil office and earns around Rs.30,000/- to Rs.40,000/- salary and therefore she ascertained maintenance of Rs.10,000/- for herself and Rs.5000/- for daughter along with money for rent.

4. Above proceedings were contested by revision petitioner-husband by filing say at Exhibit 14, admitting marriage but denying allegations of demand or any harassment. On the contrary, he has also levelled several allegations against her conduct and behavior. As regards to his earnings is concerned, he set up a case that though he earns salary, he has borrowed housing loan as well as personal loan. Huge amounts are deducted from salary towards the same and as such he has no sufficient means to meet the demand raised by wife. He raised specific plea that wife, by doing tailoring work, earns Rs.1000/- everyday.

5. Heard. This being revision, there is limited scope for this Court to interfere in the order of trial court to ascertain whether impugned order is illegal or contrary to the facts on record or law. It is only to be seen whether there is miscarriage of justice in any manner. Such jurisdiction is expected to be exercised in exceptional case when the impugned order is patently perverse or illegal and cannot be sustained in the eyes of law.

6. With above limited scope, case in hand is put to scrutiny. Here, admittedly parties are husband and wife who got married in the year 2016 and out of their wedlock, they have a daughter. There is volley

of allegations and counter allegations against each other and it is oath against oath, and apparently there is no independent evidence from either of them. In such peculiar facts and circumstances, their evidence is appreciated.

7. Here, wife has apparently separated with the daughter. Husband has not disputed that wife is residing separately, nor has he set up a case that he is ready to cohabit and apparently he has neither taken any steps to bring her back. Therefore, wife has shown that she has separated from revision petitioner. Her claim is that she and the daughter are being neglected from being maintained and they have not sufficient means. Husband merely countered the above plea by stating that wife earns by doing tailoring work. But, admittedly the same has not been demonstrated either by oral or documentary evidence. On the contrary, revision petitioner himself is a public servant and is working as a junior clerk in Tahsil office, of which there is no denial, and as such there is reason to hold that he is a salaried person. According to wife, husband earns around Rs.39,000/- by way of salary. Revision petitioner counters by submitting that there are housing loan, personal loan and as such, there are deductions towards the same. However, his salary slip of June 2023 shows his salary as Rs.55,000/-, which is also taken as a base by trial court for

computing maintenance. Learned trial court has appreciated that he has deductions towards loan and thereby it is held that take-home salary is to the tune of Rs.45,000/-. As regards to petitioner's case that there are deductions towards home loan and personal loan, even salary slip does not reflect the same.

Therefore, taking the above take-home or net salary into consideration, grant of maintenance to wife to the tune of Rs.10,000/- and Rs.5,000/- to the daughter does not seem to be exorbitant or excess. There is no error on the part of the trial court in arriving to such quantum of maintenance to wife and daughter. Resultantly, no case being made out, the following order is passed :

ORDER

The Criminal Revision Application is dismissed.

[ABHAY S. WAGHWASE, J.]