



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 264 OF 2025

Dr. Amit Manmathappa Yerte,
Age – 42 years, Occu. Nil,
R/o. Flat No.2, First Floor, Omkar Complex,
New Adarsh Colony, Near Kherdekar Stop,
Ausa Road, Latur.
Presently r/o c/o Shanteshwar Manmathappa Yerte,
House No. 7653814, Beside Radhika Vihar,
Near Gayatri Utsav, Chhatrapati Chowk,
Ausa Road, Latur. ... Applicant

Versus

1. Dr. Devashri Amit Yerte,
Age 41 years, Occu. Medical Practitioner,
2. Akshat Amit Yerte,
Age 14 years, Occu. Student,
Through his Mother,
Dr. Devashri Amit Yerte,
Age 41 years, Occu. Medical Practitioner,

Both R/o Visava Sadan, Vikram Nagar,
Beside Dr. Khan Hospital, Barshi Road,
Latur. ... Respondents

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Mr. S. V. Dixit, Advocate for the Applicant
Mr. A. S. Shelke, Advocate for the Respondents

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 03.12.2025

Pronounced on : 05.12.2025

JUDGMENT :

1. Revision petitioner-husband takes exception to the judgment and order dated 29.04.2025 passed by learned Judge, Family Court, Latur below application Exhibit 6 Petition No. E 201 of 2023.

2. Learned counsel for the revision petitioner pointed out that the petitioner was married to respondent no.1 on 21.11.2009 and out of their wedlock, they have respondent no.2 son. That, due to allegations, cross allegations and turmoil in the married life, wife initially left petitioner's company along with child and then set up proceedings under Section 125 of Cr.P.C. seeking maintenance and also alleging maltreatment, but by leveling vague and general allegations. He pointed out that interim maintenance was contested and all averments were refuted. He further pointed out that respondent wife is a dentist and she has her own clinic. She also earns by rendering consultancy services and as such, she has means of her own to maintain herself as well as the child.

3. On the contrary, it is pointed out that, present revision petitioner, though a doctor, is only working as a Fellowship Resident in KIMS Hospital, Kurnool and is earning stipend to the tune of

Rs.60,000/-. Document of said hospital suggesting earning of stipend is also placed on record, but the same was not correctly appreciated and considered and rather, only on the averments by wife that husband earns over Rs.2,00,000/- from various sources, including landed properties and commercial shops, of which no distinct evidence is placed on record, he submitted that, learned trial court was pleased to grant interim maintenance to the tune of Rs.10,000/- to wife and directed to pay Rs.20,000/- to son.

4. Learned counsel submits that above order is obtained by suppressing material facts. Moreover, according to him, there is no pleading or averment in the maintenance claim petition that wife is unable to maintain herself and that she has no sufficient means. However, such crucial aspects are lost sight of and maintenance has been granted.

5. As regards to the properties named by wife in her petition, learned counsel submitted that, there are interests of others including of his father and siblings. That, there is no separation yet, and therefore there is no evidence that he is earning from such properties, but even said aspect has not been considered and appreciated by the learned trial court and therefore, learned counsel points out that, in

absence of evidence of earning Rs.2,00,000/-, above maintenance order has been granted and hence, he seeks indulgence.

6. Per contra, learned counsel for the respondent pointed out that parties are married and are both Doctors. However, according to him, husband has set up a false case that he is doing fellowship and earning Rs.60,000/- per month. He pointed out that even said certificate issued by the KIMS Hospital showing his such stipend is of December 2024 and was for short period. That, rather, he has thundering practice and has also other landed properties, of which documents were placed on record. Learned counsel invited attention of this Court to para 29 of the judgment and supports the findings.

7. Lastly, he submitted that the dental clinic of wife is closed and there is no evidence that she is running said clinic. Rather, she is merely earning by rendering consultancy services and therefore, has insufficient means to maintain herself as well as their son.

8. After considering above submissions and on going through the record and papers, it emerges that the parties are husband, wife and son respectively. Wife seems to have instituted proceedings under Section 125 of Cr.P.C. seeking maintenance for herself as well as

minor son. In the said petition, she has pressed into service application Exhibit 6 for grant of interim maintenance. Her case is that husband earns Rs.2,00,000/- from various sources, including salary, and therefore, in spite of having sufficient means, there was neglect to maintain herself as well as their son. Her case is that, by working as a freelancer in NU10 Technology India Pvt. Ltd. Company as a consultant, she earns barely over Rs.22,000/- per month and she has to maintain herself as well as provide for the education of their son, who is studying in 8th standard.

9. It appears that, after appreciating respective cases, learned trial court has granted interim maintenance of Rs.10,000/- per month to wife and Rs.20,000/- per month to the son. Observations regarding grant of such quantum of maintenance are reflected in para 27 onward. It is noted that, respondent wife has placed on record pay slips of revisionist for the months December 2020, January and February 2021. These salary slips indicate that salary earned by revisionist husband was to the tune of Rs.2,00,000/- and after deduction, he was receiving Rs.1,50,000/- per month. Such documentary evidence has not been challenged or rebutted by revision petitioner. His case is that, wife runs a clinic and by rendering services as consultant, earns distinctly. In support of his

case that he gets stipend, he has placed on record certificate issued by KIMS Hospital dated 12.02.2025 certifying that revision petitioner worked as a Fellowship Resident only from 19.02.2024 to 31.12.2024, i.e. for the period over ten months.

10. Therefore, revision petitioner has not denied that prior to it, he was working in Sarji Hospital and was earning Rs.2,00,000/-. Salary slips to that extent are already brought on record.

11. Even otherwise, at this stage, learned trial court has only granted interim maintenance. Both parties have adduced affidavit of evidence as required and called for by the Hon'ble Apex Court in the case of ***Rajnish v. Neha***, reported in (2021) 2 SCC 324. Parties would adduce evidence and on full fledged trial, financial status of the parties could be gauged. At this stage, the quantum of maintenance awarded to the wife to the tune of Rs.10,000/- and to the son to the tune of Rs.20,000/-, does not seem to be exorbitant so as to interfere. Hence, the following order :

ORDER

The Criminal Revision Application is hereby rejected.

[ABHAY S. WAGHWASE, J.]

12. After pronouncement of this judgment, learned counsel for the revision petitioner submits that there is interim order in force till disposal of this proceedings. He seeks continuation to the said interim order for further six weeks to enable him to approach the Hon'ble Supreme Court.

13. In view of the above request made by learned counsel for the revision petitioner, to enable him to approach the Hon'ble Supreme Court, the interim order dated 12.09.2025 is continued for a period of six weeks from today.

[ABHAY S. WAGHWASE, J.]

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