



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

**CRIMINAL REVISION APPLICATION NO.82 OF 2025
WITH
CRIMINAL APPLICATION NO. 2451 OF 2021
IN REVN/82/2025**

Ravi Pandurang Rathod,
Age-40 years, Occu-Nil,
R/o. Income Tax Colony,
Old Jalna, Tq. & Dist. Jalna

...APPLICANT
[Ori. Respondent]

VERSUS

1. Jyoti Ravi Rathod,
Age-35 years, Occu-Household,

...RESPONDENTS
[Ori. Applicants]

2. Rutuja Ravi Rathod,
Age- 16 years, Occu-Education
Under Guardianship of mother-respondent No.1
Both R/o. Shankar Jin, Near SRP Gate,
Gate No.2, Jalna
Tq. & Dist. Jalna

Mr. V. B. Kulkarni, Advocate for the applicant
Mr. Ramdas B. Singare, Advocate for the respondent Nos. 1 and 2

CORAM : ABHAY J. MANTRI, J.

DATE : 19th SEPTEMBER, 2025

JUDGMENT :

1. The applicant-husband, being aggrieved by the judgment and order dated 29-08-2025 passed by the learned Judge, Family Court, Jalna in Petition No.E-65/2019, whereby partly allowed the application and granted maintenance of Rs. 5,000/- each per month to respondent No.1-wife and respondent No. 2-daughter from the

date of application.

2. Heard learned advocate for both parties and perused the impugned judgment and record.

3. At the outset, it appears that respondent No.1, the wife and respondent No.2, the daughter of the applicant, filed an application for the grant of maintenance under Section 125 of the Cr. P. C. against the applicant. After considering the evidence on record, the learned Judge held that the applicant is liable to pay maintenance of Rs. 5,000/- each per month to the respondents from the date of the application and accordingly passed the impugned order.

4. The learned advocate for the applicant vehemently argued that the impugned judgment was passed ex parte without hearing the applicant. Therefore, he urged that the matter be remanded to the learned Judge, Family Court, for giving an opportunity to the applicant to adduce the evidence. However, on perusal of the impugned judgment, it appears from para 3 that the applicant remained absent despite the service of notice. The applicant's conduct itself indicates that he chose not to appear in the application before the learned Family Court and therefore, the matter was proceeded ex parte against him. Hence, it cannot be said that no opportunity was given. As such, I do not find substance in the submission of the learned advocate for the applicant to remand the

matter to the learned trial court.

5. It is pertinent to note that the applicant does not dispute his relationship with the respondents. Similarly, he does not dispute that he possessed 2 acres (78-R) of land at the village of Wadiwadi.

6. Apart from that, respondent No. 1 in her testimony categorically deposed that the applicant has sufficient means to maintain them, and her testimony remained unchallenged. Therefore, no reason to disbelieve the same. The aforesaid evidence, thus, indicates that the applicant is able-bodied and has a source of income.

7. It is to be noted that the learned advocate for the applicant failed to point out that the respondents have sufficient means of income or that the applicant does not have sufficient means of income to maintain the respondents. On the contrary, the evidence on record denotes that the applicant holds 2 acres of land. That itself shows that the applicant has sufficient means to maintain the respondents.

8. On perusal of the impugned order, it appears that in para Nos. 10 to 14 of the judgment, the learned Judge held that the applicant has sufficient means and rightly granted the maintenance of Rs. 5,000/- each to the respondents. The findings recorded by the learned Judge are based on the proper appreciation of evidence on

record. The learned advocate for the applicant failed to point out that the order passed by the learned Judge is illegal or perverse to interfere with it in the revisional jurisdiction. Furthermore, judicial note can be taken that there are rises in the prices of the essential commodities; therefore, the maintenance amount granted to the respondents appears to be too meagre to satisfy their daily needs.

9. It is pertinent to note that Section 125 of the Code of Criminal Procedure is a social welfare provision, which must be subjected to an extensive beneficial concern, and this understanding has been extended to maintenance. Similarly, it must be borne in mind that the right to maintenance under Section 125 of the Code of Criminal Procedure is not a benefit received by the wife and daughter but rather a legal and moral duty owed by the applicant to maintain his wife and daughter. Undisputedly, the wife and daughter do not reside with the applicant, and the applicant does not pay them anything for their livelihood/maintenance. This itself is sufficient to grant maintenance to them.

10. It is further evident that the applicant failed to maintain the respondents when he had sufficient means of income to maintain them. Thus, it appears that the order passed by the learned Judge is just and proper and no interference is required in the revisional jurisdiction. As a result, the criminal revision application, being

devoid of merits, stands dismissed. No order as to costs.

11. In view of the dismissal of the criminal revision application, the pending criminal application stands disposed of.

[ABHAY J. MANTRI, J.]

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