



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

**CRIMINAL REVISION APPLICATION NO. 354 OF 2023
WITH
CRIMINAL APPLICATION NO. 3488 OF 2022 IN REVN/354/2023**

Shaikh Ahmed S/o. Shaikh Rasool
Aged : 68 years, Occu.: Nil,
Residing at village Shingi,
Tq.Gangapur, District Aurangabad.Applicant

Versus

Nasim Begum W/o. Shaikh Ahmed
Aged: 58 years, Occu.: Household,
C/o.Kadubegum Maqbool Patel,
Residing at Husain Colony, Garkheda Parisar,
Tq. and District : Aurangabad.Respondent

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Advocate for Applicant : Ms.Shubhangi D. More
Advocate for Respondent : Mr.Gajendra Devichand Jain
(Appointed Through Legal Aid)

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 11 DECEMBER, 2025

PRONOUNCED ON : 12 DECEMBER, 2025

JUDGMENT :-

1. Revisionist (original respondent) in Criminal Misc. Application No.20 of 2019, who is husband of present respondent (original petitioner) is questioning judgment and order dated 01-01-2022, passed by learned Principal Judge, Family Court, Aurangabad, thereby enhancing maintenance claimed by respondent wife.

2. Present respondent wife filed above Criminal Misc. Application contending that previously by virtue of Criminal Misc. Application No.31 of 2012 decided on 08-05-2012, she was granted maintenance of Rs.1,500/- per month. That, said amount is meager. That, prices of essential commodities are gone up and she, having no sufficient source of income, is finding it difficult to maintain herself in said quantum and therefore, she urged for enhancement by setting up a case that husband owns 9 Acres 20 Gunthas irrigated agricultural land wherein he reaps various crops and earns over Rs.6,00,000/- to Rs.7,00,000/- per annum. That, he also by rendering work of electric rewinding earns Rs.20,000/- to Rs.25,000/- per month and also distinctly earns from milk business. Thus, he is economically sound and can easily pay atleast Rs.10,000/- per month by way of maintenance and accordingly, she sought enhancement to such tune.

3. The above claim was resisted by present applicant husband vide say exh.10, primarily raising objection about jurisdiction of the Court to try and decide the application, as according to him, respondent wife was residing at Shingi, Tq.Gangapur and thereby he raised territorial jurisdiction of Family Court to decide the application. As regards to entitlement of enhanced compensation is

concerned, he denied above holdings on the count that said lands are transferred to his third wife and son born out of it. He denied distinct earnings from rewinding work or milk business as claimed by wife.

4. After appreciating the oral and documentary evidence adduced by the parties, learned Principal Judge, Family Court, Aurangabad, was pleased to enhance compensation from Rs.1,500/- per month to Rs.4,000/- per month. This is now taken exception to by filing present revision.

5. Learned counsel for revisionist would submit that respondent wife is not entitled for enhanced compensation, moreover, when she was herself working in a primary school as a Cook and sufficiently earning for herself. Further the observations and findings of learned Principal Judge, Family Court are also questioned contending that only on contentions of respondent wife, maintenance has been enhanced. That, there was no distinct evidence regarding the income of husband. Learned counsel further submitted that revisionist is over 70 years of age and is currently having heart ailment and requires to spend for the same and so lastly, it is submitted that the impugned Judgment and order of granting exorbitant enhancement

is without evidence and hence liable to be quashed and set aside.

6. Learned counsel for respondent wife would submit that there is documentary evidence about agricultural landed properties owned by revisionist husband. That, merely to deprive wife, properties are deliberately transferred in the name of third wife and her son. That, in fact, earnings are received by him from the said land and so called job of respondent wife was said to be temporary and currently, she has no other source but maintenance granted earlier. Learned counsel submitted that, initially, only maintenance of Rs.1,500/- per month was granted. That, by virtue of rise in prices, said quantum is insufficient and so learned counsel justifies the Judgment and order of the learned Principal Judge, Family Court, Aurangabad, and prays to dismiss the revision for want of merits.

7. Firstly, in the considered view of this Court, issue of maintainability has rightly been dealt and decided by the learned Principal Judge, Family Court, by relying on the decision of the Hon'ble Apex Court in the case of *Rajnish v. Neha and another*, in Criminal Appeal No.730 of 2020 (arising out of SLP (Cri.) No.9503 of 2018) dated 04-11-2020. Therefore, proceeding for maintenance

being in sequence to earlier proceeding, learned Principal Judge, Family Court, does assume territorial jurisdiction to try and decide the proceeding.

8. As regards to allegation of exorbitant quantum, it is seen that before the Family Court, respondent wife has placed on record 7/12 extracts, 8-A extract of various Gat numbers bearing nos.15 and 25 demonstrating agricultural holdings. This aspect has not been rendered doubtful. Oral evidence of respondent wife has virtually remained undisturbed as revisionist husband did not contest or cross-examined her. Consequently, there is no alternative before the court than to accept the case set up by claimant wife and therefore, now it does not lie in the mouth of revision petitioner that there was no evidence except contentions and averments raised by respondent wife. Learned Principal Judge, Family Court, has dealt and discussed entitlement of respondent wife to seek enhanced compensation in paragraph 12 and 13 of the impugned judgment. Lastly, it has been observed in paragraph 14 that previous Judgment being 5 years back, and due to rise in prices of commodities, it is rightly held that respondent wife is entitled for enhancement. Therefore, there is no infirmity in such findings.

In view of above discussion, there being no merits in the revision, it deserves to be dismissed. Accordingly, following order is passed :

ORDER

- (i) Criminal Revision Application stands dismissed.
- (ii) Pending Criminal Application is disposed of.

(ABHAY S. WAGHWASE)
JUDGE