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50criwp1309.21

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

50 CRIMINAL WRIT PETITION NO. 1309 OF 2021

SANTOSH MAHADEV TALEKAR

....Petitioner

VERSUS

ARCHANA SANTOSH TALEKAR AND OTHERS

.....Respondents

Mr. I. K. Wagh, Advocate h/f Mr. Mahesh S. Bhosale, Advocate
for the petitioner

Mr. S. S. Kulkarni, Advocate for the respondents

CORAM : KISHORE C. SANT, J.

DATE : 28th JULY, 2025

P. C.

1. Heard.

2. The petitioner has challenged an order passed by the learned Additional Sessions Judge, Beed in Criminal Appeal No. 22/2020 dated 22-07-2021. The learned Additional Sessions Judge thereby dismissed the appeal with cost filed by the present petitioner and confirmed an order dated 16-01-2021 passed by the learned JMFC, Beed in Misc. Cri. Application No.

810/2014.

3. The proceeding arising out of maintenance proceeding under section 12 of the Domestic Violence Act filed seeking maintenance. The learned trial Judge granted total amount of Rs.28,000/- pm to respondents alongwith other reliefs. The petitioner is therefore, before this court.

4. It is the contention of the petitioner that in the present case even respondent No. 1 is a Professor and is earning handsome salary like the petitioner. The petitioner is also a Professor. In this view, it is the contention of the petitioner that even the wife should take equal responsibility of maintenance of children. The entire amount of maintenance is directed to be paid from the pocket of the petitioner.

5. The learned advocate for the petitioner thus submits that the order needs to be modified and even respondent No. 1 be directed to pay an amount of maintenance to take share in

the amount of maintenance.

6. Mr. Kulkanri, learned advocate opposed the petition. He submits that it is primarily responsibility of the father to maintain the children. In the present case children are residing with the wife. She is already taking care of the children and bearing expenses towards education. The amount directed to be paid is in addition to the expenses which the mother is spending. No illegality is committed by both the courts below. He prays for rejection of the petition.

7. The learned advocate for the petitioner during the course of the argument relied on the judgment in the case of Padmaja Sharma Vs Ratan Lal Sharma¹. The Hon'ble Apex Court in the said case has held that it is the duty of the husband and wife both to maintain minor child. In the said case both were earning handsome amount. The court held that under such circumstances the husband alone cannot be expected to spend on the children and wife also should take responsibilities.

¹ 2000 AIR (SC) 1398

8. In the present case it is already observed that children are residing with the wife and she is spending an amount on the children. Considering that the parents are the Professors, naturally the children need to live with the standard, considering the standard of living of the petitioner and respondent. One other aspect in the present matter is that respondent No.2 was major and the age of respondent No. 3 was shown as 11 years when this petition was filed in the year 2021. However, in the application filed by the wife in the year 2014 the age of respondent No.2 was shown to be 10 years. Thus, as on today even respondent No. 2 & 3 have also attained majority.

9. Considering above, this court finds that no purpose would be served by keeping the petition pending and to go into other aspects. Suffice to say that the criminal writ petition as on today has become infructuous except for recovery of the arrears of the amount of maintenance.

10. It is open for the respondents to recover the amount.
11. Even otherwise this court does not find any merits in the petition, looking to the income of the petitioner. Hence, the criminal writ petition stands disposed off as infructuous.

[KISHORE C. SANT, J.]

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