



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 268 OF 2023

Avinash Punjaram Salve,
Age : 41 years, Occu. : Service,
R/o. Shrinagar Nanded, A/P Thermal Colony,
Parli (V), Dist. Beed.

... Applicant
(Orig. Defendant)

Versus

1. Supriya Avinash Salve,
Age : 35 years, Occu. : Business,
2. Aditya Avinash Salve,
Age : 7 years, Occu. : Education,
Respondent No.2 under the guardianship
of respondent no.1
Both R/o. C/o. Vishrantibai Parlhada Bukare,
Prashant Niwas, Ganesh Nagar, Y Corner,
Nanded, Tq. & Dist. Nanded.

... Respondents
(Orig. Petitioner)

.....

Mr. M. K. Bhosale, Advocate for Applicant
Mr. Ravindra Narwade Patil, Advocate for Respondents (Appointed
through Legal Aid)

.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 19 NOVEMBER 2025

PRONOUNCED ON : 24 NOVEMBER 2025

ORDER :

1. In this revision, there is challenge to the judgment and order dated 19.06.2023 passed by learned Family Court, Nanded, in Petition No.E-150 of 2018 by which present revisionist has been directed to pay Rs.20,000/- per month to wife and Rs.10,000/- per month to minor by way of maintenance.

BRIEF FACTS GIVING RISE TO REVISION ARE AS UNDER

2. Present respondents instituted proceedings under section 125 of Cr.P.C. on behalf of herself as well as minor against her husband, on the premise that, after the birth of child, when she returned back in the company of husband, he and his parents started ill treating her on account of demand of Rs.10,00,000/-. That, she was driven out of the house on 01.03.2017 and since then she was put up with her parents along with minor. According to her, husband, in spite of sufficient means and income neglected to maintain both, herself and their child, and therefore, she set up a claim for maintenance of Rs.30,000/- per month.

3. Above claim was resisted by present revisionist husband by filing say Exh.28 refuting and denying all averments in the petition. According to him, merely after three months of marriage, wife went to reside with her parents on account of pregnancy and she returned directly after delivery in December 2016. He had borne entire expenses for the delivery. That, on account of his transfer to Parali, he took her there, but she returned to her parent's house on the count that atmosphere of Parali did not suit her or her child, and thereafter she never contacted her husband, and therefore, notice was sent to come for cohabitation and as she did not come, he was constrained to file proceedings under section 9 of Hindu Marriage Act. He denied that he

neglected to maintain her and the child.

Both parties adduced evidence apart from their own affidavit of evidence, which was appreciated, and learned Family Court by impugned judgment partly allowed the maintenance petition directing payment of Rs.20,000/- per month to wife and Rs.10,000/- to son from the date of filing petition.

4. Learned counsel for revisionist would submit that, impugned order is erroneous and in absence of cogent and reliable evidence. He pointed out that though service and employment of revisionist was not denied, however he used to get salary of Rs.57,000/- per month only. He has his aged parents to care of. Learned Family Court, in absence of any evidence, held salary to the tune of Rs.1,27,000/-. According to him, wife is educated, she has ability to earn and rather she had good deal of share in her ancestral property.

5. Above submissions are countered by learned counsel for respondent wife supporting the findings and conclusion reached at by learned trial court.

6. On perusing the entire oral and documentary evidence, here, indisputably parties are residing separately. Submissions that wife is highly qualified and able to get employment itself suggests that she at

present has no separate means to earn and maintain herself. Moreover, there is nothing to show that revisionist is providing for the maintenance of their child. In his say, there is no whisper that he, on his own accord, is providing for the maintenance of wife as well as son. There is no denial that wife is put up with her parents. While facing cross revisionist had admitted that he did not file any evidence that wife is earning or doing any service or earning from any other means by running beauty parlor. This shows that, wife has no independent means to earn for herself or to maintain their child. Thus, there is neglect to maintain and as such both, wife and son, are entitled to be maintained by revisionist, who is husband and father, respectively.

7. In the trial court, as regards to employment of husband revisionist in the Thermal Power Station, Parali, has not been denied. Therefore, he is indeed salaried person. Wife has placed on record his salary certificate (Exh.47) coupled with 7/12 extract landed property standing in his name as well as PR Card at Exh.49.

8. Though in trial court, point was raised regarding previous marriage of revision petitioner, such aspect is not touched upon before this court.

9. Revisionist has also filed on record affidavit of his asset and liabilities. Exh.54 which is his salary slip for the month of May 2022 demonstrates that gross salary earned by him is Rs.1,27,683/- and after necessary deductions take home salary of Rs.95,700/- and some odd amount. Though, in trial court stand of deductions towards loan was set up, no distinct evidence has been placed on record and there is admission to this extent in cross examination. Even documentary evidence about 7/12 extract and PR card are not disowned. Therefore, when there is clear evidence suggesting gross salary of Rs.1,27,000/- and even if leverage is given to some deductions, amount of Rs.20,000/- per month to wife and Rs.10,000/- per month to son, by no means in today's living conditions can be said to be exorbitant or excess.

10. Perused the impugned judgment and order. Learned Family Court has indeed appreciated the oral and documentary evidence in its correct prospective and its analysis has been done by assigning sound reasons. Settled legal position is also taken into account, and therefore, this court does not find any illegality or perversity in the same so as to interfere. Hence, the following order is passed :

ORDER

The Revision Application is dismissed.

(ABHAY S. WAGHWASE, J.)