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

CRIMINAL WRIT PETITION NO.1407 OF 2018

Vishwambhar s/o Abaji Kadam

....PETITIONER

VERSUS

1. Dropadabai w/o Vishwambhar Kadam
2. Miss. Sandhya d/o Vishwambhar Kadam
3. Sham s/o Vishwambhar Kadam

....RESPONDENTS

.....

Mr H. I. Pathan, Advocate for Petitioner

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 18 NOVEMBER 2025

P. C. :

1. None present for the respondents.
2. By this petition, the petitioner is praying for quashing and setting aside the order dated 06/07/2018, passed in Criminal Revision Application No.10/2017 by the learned Additional Sessions Judge, Bhokar, Dist. Nanded, thereby upholding the order dated 13/07/2017, passed by the learned Judicial Magistrate First Class, Umri, wherein the maintenance under Section 125(1) of the Code of Criminal Procedure was granted to the respondents.

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3. Respondents had filed application bearing Misc. Criminal Application No.07/2014 before the learned Judicial Magistrate First Class, Umri for claiming maintenance from the petitioner. The learned Judicial Magistrate First Class, Umri, vide his order dated 13/07/2017, partly allowed the said application and granted maintenance of Rs.1000/- p.m. to respondent No.1 (wife) and Rs.700/- p.m. each to respondent Nos.2 and 3 (children). Being aggrieved by the said order, the petitioner preferred revision bearing Criminal Revision No.10/2017 before the learned Additional Sessions Judge, Bhokar, Dist. Nanded. The learned Additional Sessions Judge dismissed the said revision vide his order dated 06/07/2018 by maintaining the order of learned Judicial Magistrate First Class, Umri.

4. Heard learned Advocate Mr Pathan for the petitioner. He submits that the subordinate Courts have committed grave mistake in passing the impugned orders and not considering his submissions. He then submits that the petitioner is doing labour work and earning Rs.2000/- per month, which is required to maintain himself, and therefore, the learned Subordinate Courts have not considered the economic position of the petitioner while granting aforesaid maintenance. He then submits that the reply filed by the petitioner in both the proceedings before the subordinate Courts has not been

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considered by the lower Courts. He, therefore, submits that, both the orders of Courts below are excessive in nature and same may be quashed and set aside.

5. The instant petition is filed in the year 2018. Notices were issued in the matter on 23/01/2019. Since then, the matter was pending before this Court. The maintenance amount granted to respondent Nos. 1, 2, and 3 is a meager amount, which is insufficient to cover their day-to-day expenses and on which it is difficult to survive. However, it is also to be seen that, even though the petitioner may not have earning capacity, he, being the legally wedded husband of respondent No.1 and father of respondent Nos.2 and 3, is still required to pay maintenance to them.

6. In view of the above, as no case is made out pointing out any error committed by the lower Courts, I am of the view that both the orders passed by the lower Courts which are the subject matter in this petition, are correct and no interference in those orders is required. As such, the instant petition is dismissed.

[SUSHIL M. GHODESWAR, J.]

sjk