



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

CRIMINAL REVISION APPLICATION NO. 270 OF 2024

- . Shaikh Liyakat S/o Shaikh Gulam Nabi
Age: 46 years, Occu.: Driver,
R/o. Near Umrao Medical, 2613,
Kokanipura Kot Syed Salar Chowk,
Dudh Bazar Road, Nashik-422001.Applicant

Versus

1. Kauserbegum W/o Shaikh Liyakat
Age : 38 years, Occu.: Household,
R/o. C/o. Shaikh Momin Shaikh Naim,
Sharif Colony, Roshan Gate, Aurangabad.
2. Kum. Alfiya d/o. Shaikh Liyakat
Age: 15 years, Occu. : Education,
Minor, u/g. of mother, Respondent no.1 ..Respondents
R/o. As above

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Advocate for Applicant : Mr. Quadri Taher Ali Nazeer Ali
Advocate for Respondent nos.1 & 2 : Mr. Bharat Govindrao Londhe
and Mr.S.S. Barahate

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 17 NOVEMBER, 2025

PRONOUNCED ON : 19 NOVEMBER, 2025

ORDER :

1. Revisionist hereby questions judgment and order dated
25-07-2024 passed by the learned Judge, Family Court, Aurangabad
in Criminal M.A.No.2/2019.

2. Learned counsel for revisionist husband would point out that, admittedly, applicant and respondent no.1 are legally wedded husband and wife and they have a daughter (respondent no.2) of which there is no dispute. He would submit that, respondent no.1 - Kausarbegum initially instituted petition bearing no.E-227 of 2016 under Section 125 of the Code of Criminal Procedure (Cr.PC) and succeeded in getting maintenance to the tune of Rs.2,000/- per month each. That, in fact revisionist was working as Driver on casual employment i.e. only whenever work was available. That, wife, who left his company, filed various proceedings as a result of which he was required to lose said job. He further pointed out that, subsequently, again respondent no.1 wife filed Criminal M.A. No.2 of 2019 and applied for enhancement by invoking Section 127 of the Cr.PC. and the learned Judge, Family Court, Aurangabad, enhanced the maintenance to Rs.4,000/- each. He pointed out that, in fact at such point of time, revisionist had left his earlier job and took up employment on a private vehicle. That, he has no sufficient means to provide for above exorbitant maintenance. That, applicant has also performed second marriage and has to also maintain children born from such marriage. That, he is also paying compensation, but in installments, as directed in POWDV proceedings bearing no.220 of

2018 under the Protection of Women from Domestic Violence Act. That, in fact there is no evidence about income of revisionist so as to enhance the amount of maintenance and therefore, he urges for allowing the revision. He further found fault on the part of trial court in allowing maintenance from the date of filing petition. For both above counts, he urges for indulgence.

3. Learned counsel for respondents strongly opposed revision and justified impugned Judgment and order by pointing out that, order of trial Court was of 2017. That, there was rise in prices and as such living expenses have increased. That, Respondent no.1 wife has to maintain her daughter i.e. respondent no.2 and her daughter was undergoing education in 12th standard currently and she is pursuing studies for which she requires huge expenses. Therefore, applicant husband, who earned around Rs.25,000/- per month by way of salary, is economically sound to pay the compensation as enhanced.

4. Heard. Perused the record.

5. After considering above submissions and on going through papers, it transpires that, present respondent no.1 Kausarbegum instituted petition no.E-227 of 2016 by invoking Section 125 of the

Cr.P.C. seeking maintenance for herself as well as their daughter. Trial Court, initially granted maintenance to the tune of Rs.2,000/- per month each to both the respondents herein i.e. wife as well as daughter i.e. total to the tune of Rs.4,000/- per month. Admittedly, such order is of 2017 and is passed almost eight hears back. Revisionist has not refuted the submissions that daughter is now grown up and that she is pursuing education in 12th standard. Therefore, obviously quantum granted by trial court in 2017 is not sufficient to meet the bare needs of both respondents.

6. Learned counsel for applicant would submit that initially applicant was driver, but now he is on a private vehicle and he has no sufficient means to meet the above requirements. However, aspect of he earning by way of driving vehicle is not refuted. Learned Judge, Family Court, Aurangabad vide impugned order dated 25-07-2024, has raised and enhanced the initial maintenance amount of Rs.2,000/- each to Rs.4,000/- each. As regards to daughter is concerned, she is pursuing her studies. It can safely be assumed that wife may not be idle and must be doing something to earn for herself. Therefore, order of enhancement to her extent needs to be interfered. Consequently, following order is passed by modifying the

impugned order as under :

ORDER

I) Criminal Revision Application is partly allowed.

II) The Judgment and order dated 25-07-2024 passed by the learned Judge, Family Court, Aurangabad, in Criminal M.A.No.2 of 2019 is hereby modified as under :

A] The maintenance amount in respect of original petitioner no.1 (respondent no.1 herein) is modified and applicant husband shall pay maintenance amount to her @ Rs.3,000/- per month.

B] The enhancement in maintenance amount in respect of original petitioner no.2 (respondent no.2 herein) is kept intact.

C] Rest of the part of the order dated 25-07-2024 is maintained.

(ABHAY S. WAGHWASE)
JUDGE