



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 288 OF 2023

Bibhishan Premraj Gund

...Applicant

Versus

Gojarabai Bibhishan Gund

...Respondent.

None appeared for the Applicant.

CORAM : ABHAY J. MANTRI, J.

DATE : OCTOBER 15, 2025

JUDGMENT :

1. On the second call, none appears for the applicant. Perused the impugned judgment, the revision memo and the record.

2. It appears that the applicant–husband has preferred this revision application challenging the judgment and order dated 04th August 2023, passed by the learned Judge of the Family Court in Petition No.35/2021, thereby granted maintenance to the respondent of ₹ 3,000/- per month from the date of filing of the application.

3. On perusal of the record, it appears that by order dated 04th August 2023, the learned Judge of the Family Court partly allowed the petition. The impugned judgment was challenged by filing this application on 09.09.2023. However, since then, it has not been circulated and has been kept pending. The said facts themselves indicate that the applicant is not interested in prosecuting the application but only filed it to keep the matter

lingering in this Court.

4. On perusal of the impugned judgment and order, it appears that the respondent, being the wife of the applicant, filed the petition for the grant of maintenance under Section 125 of the Code of Criminal Procedure, 1973 (for short- *Cr. P. C.*) against the applicant. After considering the evidence on record, the learned Judge partly allowed the petition and directed the applicant herein to pay maintenance of ₹ 3,000/- per month to the respondent from the date of the application. Hence, this application.

5. It is pertinent to note that the applicant appeared in the matter through an advocate on 20th September 2021. Thereafter, he remained absent, and despite being granted several opportunities occasionally, the applicant failed to file his say to the petition or appear before the counsellor for settlement. Therefore, the petition proceeded without his say.

6. The respondent herein in her petition stated and in evidence deposed that the applicant is her husband and their marriage was performed on 23rd May 2002, and their relationship still exists. During the evidence, she produced an extract of 8A, then a 7/12 extract of the land, Gut Nos. 545 and 551 (Exhibit 28) and demonstrated that the applicant has 1 H. 48 R land in Gut No.545 and 1 H. 33 R land in Gut No.551, i.e., a total of 2 H 81 R land, and earns ₹ 2.5 to ₹ 3 Lakhs per annum from the said lands. Her testimony remains unchallenged, and therefore, after considering the said evidence, the learned Judge held that the applicant is liable to pay

maintenance of ₹ 3,000/- per month to the respondent.

7. I have gone through the grounds raised in the revision memo. In the grounds, the applicant vaguely contended that the findings recorded in the impugned judgment and order are contrary to the provisions of law. In fact, the applicant doesn't have a source of income. Except that no grounds have been raised. On the contrary, in ground No. VIII, though the applicant has admitted that he has agricultural land, as stated by the respondent, he contended that no proof of income has been produced by the respondent to show that the applicant earned income from the said land. However, as observed above, the applicant has agricultural land 2 H 81 R, i.e. 7 Acres, which itself indicates that the applicant has sufficient means of income and is an able-bodied person; therefore, I do not find substance in the grounds raised in the revision memo.

8. Thus, considering the above discussion, it appears that the applicant is an able-bodied person with sufficient means of income to pay maintenance to the respondent. The learned Judge rightly considered the same and granted maintenance of ₹ 3,000/- per month to the respondent. On the contrary, the applicant failed to point out that he doesn't have sufficient means to maintain the respondent or that the findings recorded by the learned Judge are illegal and perverse or a sanctuary of errors. In contrast, it is apparent that the findings recorded by the learned Judge are based on a proper appreciation of facts and evidence on record and are

justifiable. Hence, I do not find substance in the grounds raised in the revision memo.

9. It is pertinent to note that it is an obligation of the husband to maintain his wife. He cannot be permitted to plead that he is unable to maintain her due to financial constraints as long as he is capable of earning. Moreover, a judicial note can be taken that prices of essential commodities are rising. Therefore, it is very difficult for the respondent to survive without maintenance or satisfy her daily needs.

10. It is pertinent to note that Section 125 of the CrPC is a social welfare provision, which must be subjected to an extensive beneficial concern, and this understanding has been extended to maintenance. Similarly, it must be borne in mind that the right to maintenance under Section 125 of the Cr.P.C. is not a benefit received by the wife, but rather the legal or moral duty owed by the husband to maintain his wife.

11. Apart from the above, undisputably, the respondent does not reside with the applicant, and the applicant does not pay her anything for her maintenance; this itself is sufficient to grant maintenance to her.

12. In view of the above discussion, it appears that the order passed by the learned Judge is just and proper and no interference is required in the impugned judgment in the revisional jurisdiction.

13. Consequently, the application filed by the applicant–husband is bereft of merit and stands dismissed. No order to costs.

14. Needless to clarify, the applicant shall deposit the arrears of maintenance amount before the Family Court within eight (08) weeks from today, failing which, the learned Judge of the Family Court has to take steps to comply with this order.

15. Inform the learned Family Court accordingly.

(ABHAY J. MANTRI, J.)