



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 16 OF 2024

Sunita w/o Anand Hiremath,
Age : 48 years, Occu. Household work,
R/o C.T.S. No.2862/D-41,
Behind Shreeji Hotel, Mantha Road,
Jalna, Tq. & Dist. Jalna.

... Applicant
(Orig. Petitioner No.1)

Versus

Anand S/o Jayprakash Hiremath,
Age : 48 years, Occu. Service,
R/o Row-House No.4,
Shrisiddhi Green Society, Varad Firm,
Madke Vasti, Near Hyundai Show Room,
Pune Road, Solapur

Service Address:
Bajaj Alliance General Insurance Company,
3rd Floor, Mantri Chandak Icon,
C.T.S. 203, Roopa Bhavani Road,
Solapur, Tq. & Dist. Solapur.

... Respondent.
(Orig. Respondent)

AND

CRIMINAL REVISION APPLICATION NO. 17 OF 2024

Anand S/o Jyaparakash Hiremath,
Age: 47 years, Occ: Private Services,
R/o: Row House No.4, Shri Siddhigreen,
Society Varad Farm, Madki Vasti,
Opp. Rahul Hyundai Showroom,
Pune Road, Tq & Dist. Solpaur.

.... Applicant

Versus

1] Sunita W/o Anand Hiremath,
Age : 48 years, Occ: Business,
R/o. CTS.No. 2862 D/41 behind Shree G,
Hospital, Mantha Road Jalna,
Tq & Dist : Jalna.

- 2] Ishan S/o Anand Hiremath
Age : 9 years, Occ: Education,
Minor, under guardian of mother
(Petitioner No.1)
R/o: Same as above

- 3] State of Maharashtra ... Respondents.

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Mr. Balaji Laxmanrao Sagar - Killarikar, Advocate for Applicant in
REVN/16/2024 and for Respondent Nos.1 and 2 in REVN/17/2024.

Mr. Rahul. P. Mote, Advocate for Applicant in REVN/17/2024 and for
Respondent in REVN/16/2024

Mrs. Chaitali Chaudhari - Kutti, APP for Respondent - State.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 16 DECEMBER 2024

PRONOUNCED ON : 02 JANUARY 2025

ORDER :

1. In Criminal Revision Application No.16 of 2024, there is challenge to the judgment and order passed by learned Family Court, Jalna in Petition No.E-191 of 2021 dated 14.06.2023, rejecting maintenance claim set up by revisionist.

2. Learned counsel for applicant pointed out that, parties are husband and wife. Out of their wedlock, they have a son. Due to marital discord, present revisionist was constrained to leave the house and company of husband with her son. She was also constrained to institute proceeding for maintenance for herself as well as her son. Learned trial court by order dated 14.06.2023

refused maintenance to wife, but only granted maintenance to son and hence, the above revision.

3. Learned counsel submitted that, she had no independent source of income. That, she too was entitled for maintenance. That, husband had sufficient means and income, but such aspects are not appreciated by learned trial court. He is working in insurance company and earns handsome income. He also have properties fetching rent income, but same has not been considered by the learned trial court and has refused the maintenance to wife. Hence, said order is sought to be set aside.

4. Learned counsel for respondent – husband pointed out that, husband merely earns Rs.20,000/- per month by rendering services in insurance company. This is not a fixed job and income fluctuates. That, wife is working and that he is paying maintenance for son and therefore he urges not to disturb the findings of learned trial court as no case to that extent is made out.

5. Heard both sides. Perused the impugned order. It seems that, admittedly, parties are husband and wife. Out of marital discord, they have separated and wife seems to have left husband with son and thereafter instituted above proceeding seeking

maintenance for herself as well as minor, i.e. to the tune of Rs.30,000/-. Statement made across the bar that wife works has not been denied or refuted before this court. Findings to that extent are recorded by learned trial court in paragraph no.24 by the learned trial Judge. She is found to be working in Kotak Mahindra Franchisee and thus receive salary and therefore it has not seem to be a case that she has no means at all to maintain herself. Learned trial court has already granted maintenance to son. She having her own independent source of income, is rightly held to be not entitled for maintenance. No case is made out for maintenance to wife.

6. Even husband has preferred Criminal Revision Application No. 17 of 2024 praying for quashing the judgment and order passed in Petition No.E-191/2021 awarding maintenance to his son of Rs. 9,000/- per month.

However, after re-appreciation and re-analysis of the evidence, this court is of opinion that, quantum of maintenance awarded to son is just and appropriate. Such expenses are currently required for upbringing and education of the minor. There is no reason to interfere.

Hence, both revisions have no substance and are devoid of merits. Accordingly, the following order is passed :-

ORDER

Both Criminal Revision Applications are hereby dismissed.

(ABHAY S. WAGHWASE, J.)