



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

CRIMINAL REVISION APPLICATION NO. 304 OF 2018

Shaikh Sameer S/o. Shaikh Vakil Ahemad,
Age : 30 Years, Occu. : Service as (Khalasi),
R/o. Patel Colony, Near the House of
Asif Patel, Datta Nagar, Khadka Road,
Bhusawal, Tq. Bhusawal, Dist Jalgaon.

... Applicant

VERSUS

1. Nazneen Parveen W/o. Shaikh Sameer,
Age : 28 Years, Occu. : Household,
2. Shaikh Taifur Raheman S/o. Shaikh Sameer,
Age : 15 Months, Minor Under the
Guardianship of his real mother
i.e. Respondent No.1,
Both At Present R/o. Peer Nagar,
Nanded, Tq. & Dist. Nanded.

... Respondents

.....
Mr. Shaikh Mohammad Naseer, Advocate for Applicant
Mr. A.M. Ansari, Advocate for Respondents
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CORAM : ABHAY S. WAGHWASE, J.

Date : 31.01.2025.

ORDER :

1. Revisionist-husband takes exception to the judgment and order dated 26.09.2018, passed by learned Judge, Family Court, Nanded, in Petition E No.123/2016, directing the maintenance in favour of respondents.

2. Learned counsel for revisionist pointed out that, revisionist and respondent-wife got married in April 2014 and they have minor son out of their wedlock. That, due to marital discord and quarreling attitude of respondent-wife, she left the company of him and residing separately without any cause and further set-up maintenance claim for herself as well as her son. That, there is no foundation in support of neglect to maintain, entitlement to seek maintenance and about income of revisionist. Learned Family Court has allowed the application and has directed the maintenance to be paid to respondent-wife to the tune of rupees five thousand and rupees three thousand to son. Learned counsel for revisionist further pointed out that, he has no means and has his own responsibilities and moreover, he works as a sweeper and therefore, learned counsel seeks indulgence by setting aside the impugned judgment.

3. Per contra, learned counsel for respondents would point out that, revisionist works in Indian Railways and thus, he is employee of Union Government. He has sufficient salary. He has made life of respondent-wife miserable and hence, she was constrained to leave his company and thereafter, she was neglected. He also failed to provide maintenance to her as well as their own son, who has health issues. Learned counsel supports the findings and

conclusion recorded by learned Family Court and pressed to dismiss the revision.

4. After considering both sides and on going through the papers and more particularly impugned judgment herein, it seems that, learned Family Court has scrutinized the evidence adduced by both the parties as well as documentary evidence regarding details which are reflected in para.7. Learned Family Judge, on appreciating the available evidence, has come to a finding that, present revisionist has refused and neglected to perform his obligations to provide means and maintenance to his wife and son. Though he is Class-IV employee, he is in railway department. Therefore, taking into account his salary details, regarding which there is description in para.20 and 21, learned Family Judge has awarded maintenance of rupees five thousand to respondent-wife and rupees three thousand to son.

5. Assertion of learned counsel for respondents that son has health issues and required expenses has not been countered or refuted by learned counsel for revisionist. Therefore, taking overall view of the proceedings in learned Family Court, nature of evidence and when learned counsel for revisionist could not point out that, there was improper appreciation and how there is infirmity and

perversity in the impugned judgment, no case for interference being made out, revision needs to be dismissed. Hence, following order is passed.

ORDER

The criminal revision application stands dismissed.

[ABHAY S. WAGHWASE, J.]

asd