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

CRIMINAL REVISION APPLICATION No.357 OF 2023

Shitalkumar Bandu Mekhale,
Age – 38 Yrs. Occ.: Service,
R/o. Finolex Industries Limited,
D1/10 MIDC Pimpri Chinchwad,
Pune.

... Petitioner
(Orig. Respondent)

Versus

Swapnali W/o Shitalkumar Mekhale,
Age: 30 Yrs. Occu.: Nil,
R/o.Gangan Vihar Apartment,
Behind Usha Kiran Petral Pump,
Barshi Road, Latur,
Tq. and Dist. Latur.

... Respondent
(Orig. Petitioner)

.....
Mr. S.V. Gundre, Advocate for Applicant
Mr. Manoj D. Shinde, Advocate for Respondent
.....

CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 26 FEBRUARY 2025
PRONOUNCED ON : 03 MARCH 2025

PER COURT :-

1. Present revisionist-original respondent (husband) is hereby questioning the order dated 04.10.2023 passed by the learned Judge, Family Court, Latur in Petition No.E-80 of 2019.

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2. Learned counsel for revisionist submitted that parties, who are husband and wife, are married in April 2016. That, there was marital discord. That, after a fortnight of marriage, they were parted. Learned counsel pointed out that, after parting, with intent to harass the husband, wife has instituted proceedings under Section 125 of the Code of Criminal Procedure, and thereby set up a claim of maintenance to the tune of Rs.40,000/- per month by quoting false and exorbitant salary. Moreover, she is educated and has herself deserted husband for no cause. That, learned Judge, Family Court has failed to appreciate the say and case set up by the present revisionist, and directly maintenance to the tune of Rs.20,000/- is awarded. He pointed out that, moreover, prior to passing the order, learned Family Court had directed the parties to submit bank details, as it was asserted by the husband that, respondent wife has her own income. That, in spite of law laid down by the Hon'ble Apex Court in the case of ***Rajnesh Vs. Neha and another (2021 2 SCC 324***, wife failed to provide an affidavit of liability, income and personal information about assets standing in her name. That, learned Family Court also failed to consider that apart from his own liabilities, there are deductions from his salary and he also has to bear expenditure for maintenance of

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his old aged parents. That, all such crucial aspects are neglected. Even when the wife has her own earning, exorbitant maintenance to the tune of Rs.20,000/- is granted, and hence, he seeks interference by allowing the revision.

3. Above revision is opposed by respondent-wife, who also placed notes of arguments refuting the case set up in revision. She has not denied that marriage is of April 2016, but according to her, only because of maltreatment she was constrained to leave. Revisionist is working as engineer and earning a handsome salary. That, before the learned Family Court, salary slip of October 2022 had come on record, wherein it was shown that out of salary of Rs.1,43,009/-, merely Rs.35,616/- was shown as deduction, and as such, the net salary, which fell in his hand was over Rs.1,07,393/-. Therefore, the order passed by the learned Family Court cannot be faulted at, and it is just and proper maintenance in current days.

4. Heard both sides. Here, challenge is to the impugned order passed by the learned Judge, Family Court, Latur in Petition E. No.80 of 2019. Present respondent-wife and present revisionist-husband are admittedly married in April 2016, of which there is no contest or dispute. Wife seemed to have left

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the company alleging cruelty, demand, and there is no dispute that she is put up with her parents. By instituting proceedings under Section 125 of Cr.P.C., she has come with a case that, she has not been having any source of income and is unable to maintain herself, and husband being liable, he be directed to pay maintenance. She also put up a case that, husband is working as Manager in Fenolex company and earning over Rs.1,00,000/- per month. He also owns irrigated agricultural land and fetching independent income from it also.

5. Present revisionist-husband contested the said proceedings by filing reply at Exhibit 17, admitting strained relations and wife leaving him and going to her parents house. He has denied all allegations of demand and cruelty raised by her. Learned Judge permitted to adduce both, oral and documentary evidence. On appreciating the evidence of parties, answers given in cross and the documentary evidence, learned Judge recorded a finding that, wife has substantiate her claim that she has been neglected from being maintained.

6. On the point of source of income, learned Judge has appreciated the case set up by wife and husband in paragraph 33 onwards, wherein assertion of wife regarding she being

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neglected and not maintained and about earnings of husband is dealt with. In paragraph 50, learned Family Court, after appreciating the evidence, held that, assertion of husband that wife has her own source of income and she is highly educated, is not substantiated. Rather, she was still yet to complete the fashion designer course, and hence, recorded a finding that, she has not an independent source of income and therefore, she is unable to maintain herself. After entering into the aspect of earnings of husband, i.e. by way of salary, learned Family Court, from paragraph 51 onwards has appreciated the assertion of each side and has considered the salary slip of present revisionist-husband. In paragraph 54, learned Family Court has recorded a finding that, after deduction, husband gets over Rs.1,00,000/- by way of salary apart from the income from agricultural land, and therefore, concluded that he has sufficient means and income to even provide for the maintenance of wife, who is already demonstrated to be having no independent source of income and neglected from being maintained. Resultantly, the quantum of Rs.20,000/- per month is thought to be sufficient for her maintenance, and learned Family Court has accordingly passed the order.

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7. On going through the entire judgment, it is clear that learned Family Court has considered and appreciated the oral as well as documentary evidence adduced by both sides and on taking the survey of such evidence, more particularly, by reasoned order, has recorded a finding that wife is entitled for maintenance and husband being salaried and earnings over Rs.1,00,000/- by way of only salary, and also having other agricultural properties from which he may fetch independent income, quantum has been derived. This Court does not find any infirmity in the manner of appreciation of the evidence at the hands of learned Family Court. No case is made out by the revisionist to interfere in the impugned judgment. Hence, the following order:

ORDER

Criminal Revision Application is dismissed.

**ABHAY S. WAGHWASE,
JUDGE**