



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1736 OF 2025

Uttam Totaram Shinde

Age: 64 years, Occu: Labour.,
R/o Chatrapati Nagar, Plot No. 1,
Behind Mayur Park, Harsul,
Chh. Sambhajinagar.

..PETITIONER

VERSUS

1. State of Maharashtra

2. Leelabai Uttam Shinde

Age: 57 years, Occu: Agriculture,
R/o C/o Bhagwan Keshav Mhaske,
Nathache Khamgaon, Tq. Phulambri,
Dist. Chh. Sambhajinagar.

..RESPONDENTS

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Mr. C.V. Thombre, Advocate for the petitioner
Mr. S.S. Dande, A.G.P. for the respondent - State

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CORAM : ABHAY J. MANTRI, J.
DATE : 19th DECEMBER, 2025

ORAL JUDGMENT :

1. Heard. **Rule.** Rule is made returnable forthwith and heard finally by consent of the learned counsel Mr. C.V. Thombre, Advocate for the petitioner, and learned APP for respondent No.1 and perused the impugned judgments and orders as well as the record.

2. The petitioner, being aggrieved by the judgment and order dated 02nd August, 2023 passed by the Judicial Magistrate First Class, Aurangabad

(for short, '*the Magistrate*') in PWDA Application No. 410 of 2018 and order dated 10th November, 2025 passed by the learned Additional Sessions Judge, Aurangabad in PWDVA Appeal No. 117 of 2023, confirming maintenance of Rs.5,000/- to the Respondent No.2, has preferred the present petition.

3. Learned counsel for the petitioner vehemently contended that the Respondent No.2 has not filed an affidavit disclosing assets and liabilities. Therefore, the Respondent No.2 failed to comply with the guidelines laid down by the Hon'ble Apex Court in paragraph nos. 147 and 148 in *Rajnish Vs. Neha and Another 2020 DGLS (SC) 733*. Therefore, the Respondent No.2 is not entitled to the relief as prayed. However, he fairly submitted that the petitioner has also not filed an affidavit disclosing his assets and liabilities before the learned Magistrate. Thus, in my view, the observations made in the above-referred judgment apply to both the petitioner as well as the Respondent No.2 and not only to Respondent No.2. As such, I do not find substance in his contention that Respondent No.2 is not entitled to the relief.

4. He further argued that since 2018, Respondent No.2 has left the house; therefore, it can not be said that the petitioner failed to maintain her. On the contrary, it appears that the Respondent No.2 herself willingly left the house, and therefore, she is not entitled to maintenance, as claimed. However, the petitioner does not dispute his relationship with the Respondent No. 2, that she resides separately, or that he has not provided maintenance to her. The said facts themselves are sufficient to attract the domestic violence as

contemplated under Section 3(d)(iv) of the Protection of Women from Domestic Violence Act. Hence, I do not find substance in his contention in that regard.

5. Perused the judgment of the learned Magistrate as well as the learned Sessions Judge. It appears that the learned Sessions Judge, after considering the material on record, modified the order passed by the learned Magistrate and thereby partly allowed the revision to the extent of setting aside the order of grant of a compensation and rent allowance, and confirmed the order to the extent of the grant of maintenance of Rs. 5,000/-. Learned counsel for the petitioner failed to point out how the said orders are illegal or perverse. On the contrary, the impugned judgments and orders are just and proper and no interference is warranted in the writ jurisdiction.

6. It is pertinent to note that the husband's obligation is 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. It is to be noted that the husband has to fulfil her day-to-day needs; he is duty-bound to provide a maintenance amount to her to live her life as per his status. In such an event, it is necessary to grant her maintenance. As observed above, the petitioner has sufficient means to earn the money. *Moreover*, a judicial note can be taken that there is a rise in the prices of essential commodities. Therefore, the maintenance amount granted to the Respondent No.2 also appears to be too meagre to satisfy her daily needs.

7. Having considered the above discussion, I do not find any illegality or perversity in the impugned judgments and orders to interfere in it. As a result, the petition, being bereft of merits, stands dismissed. The rule is discharged. No costs.

(ABHAY J. MANTRI, J.)

SSD