

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.166 OF 2024

Sagarsing Bindusingh Tak

...Applicant

Versus

Muskan Kaur Sagarsing Tak & Ors.

...Respondents

Mr. Debajyoti Talukdar, for the Applicant.

Mr. Priyal G. Sarda a/w Ms. Seema S. Dighe a/w Mr. Shubham Sane
a/w Mr. Rajesh Ranglani, for the Respondents.

Mr. A. R. Metkari, APP for the Respondent – State.

CORAM: MADHAV J. JAMDAR, J.

DATED: 8th APRIL 2025

P.C.:

1. Heard Mr. Talukdar, learned Counsel appearing for the Applicant
and Mr. Sarda, learned Counsel appearing for the Respondents.

2. By the present Criminal Revision Application, the challenge is to
the legality and validity of the Order dated 29th November 2023, passed
by the learned Judge, Family Court No.2, Pune below Exhibit-14 in P. E.
No.89/2019. By the impugned order the learned Judge, Family Court
has granted interim maintenance of Rs.7,000/- per month to the
Respondent-wife and Rs.4,000/- per month to the Respondent Nos. 2
and 3 each i.e. both the children from the date of filing of the
Application i.e. 20th January 2020. Apart from that the Applicant has
been directed to pay rent of Rs.7,000/- per month to the Respondent
No.1-wife.

3. It is the submission of Mr. Talukdar, learned Counsel appearing for the Applicant that the Applicant is working as Mathadi Kamgar as well as he is also supplier of Mathadi Kamgars. He states that as he is supplier of Mathadi Kamgars there are various amounts which have reflected in his bank statement. He submitted that, however, he is earning nothing out of that business and also that the Applicant is suffering from medical condition.

4. Perusal of the record shows that, marriage between the Applicant and Respondent No.1 took place on 13th May 2018 and on 30th August 2019 twin children born to the Respondent No.1 and the Applicant. Perusal of the record also shows that the Applicant *inter alia* is working as supplier of Mathadi Kamgars. The relevant discussion of the learned Judge, Family Court regarding income is to be found in Paragraph No.7 to 9, which reads as under:

“7. Both the parties have filed their affidavit of assets and liabilities. **The petitioner disclosed in her affidavit of assets and liabilities, that she has no source of income, as she is studied only up to 9th standard.** The respondent on the other hand has also filed his affidavit of assets and liabilities, wherein he **disclosed that he is earning Rs. 7,000/- per month.** However, **he also disclosed that he is working as a Mathadi Kamgar supplier, Mathadi Kamgar.** Though clarification was sought from the respondent regarding his two occupations, however, he again filed affidavit of assets and liabilities, wherein, **he also stated that he is the supplier of Mathadi Kamgar (Labour).** He has also filed his tax returns and bank statements.

8. The bank account statements clearly shows that regularly several amounts are deposited in his account. Though he stated that he is getting Rs. 7,000/- per month, however, he did not clarify regarding the several entries of payment in his bank statement, which are more than Rs. 7,000/- per month. The income tax returns does not show the clear picture of the actual income of the respondent, considering the bank statements and also the fact that he has initially disclosed in his affidavit of asset and liabilities (Exh. 36) that he is Mathadi Kamgar supplier (Contractor). Thus, considering the occupation of the respondent, it clearly shows that **the respondent is not disclosing his actual income**, which is more than Rs. 7,000/- as claimed by him.

9. It is evident from the bank statements that substantial amounts are regularly being credited to the bank account, which he has filed along with his affidavit of assets and liabilities (Exh.36). The monthly income of the respondent appears to be more than Rs. 50,000/- considering his occupation. **It was the respondent's liability to disclose his actual income, which he appears to have not disclosed.** The petitioner is fit and well bodied person. There is nothing on record to show that he is having any physical disability to work. It is the moral, social and legal obligation on the respondent to maintain his wife and children, who has no sufficient means for their maintenance. The respondent has not shown that the petitioner is having sufficient source of income to maintain herself and the children. The respondent who appears to be physical fit is capable enough to provide maintenance to the petitioner and the children. Apart from taking care of his mother and unmarried sister, he can very well take care of the petitioner and his children. The respondent can not shrivel his responsibility by saying that, as he has to maintain his mother and sister, he cannot maintain the petitioner, who is his wife and his own children.”

(Emphasis added)

5. Thus, the above reasoning of the learned Judge, Family Court clearly show that the Respondent-wife is not earning anything and the Applicant-husband has not disclosed correct facts about his income. The learned Family Court has found that there are several entries in the account of the Applicant which clearly show that the Applicant is earning substantially. Thus, in the facts and circumstances, maintenance granted is reasonable maintenance.

6. Admittedly, the Respondent wife is a housewife and she is single handedly maintaining both the children. In the facts and circumstances no interference in the impugned order granting maintenance is warranted.

7. Accordingly, Criminal Revision Application is dismissed, however with no order as to costs.

[MADHAV J. JAMDAR, J.]