

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.375 OF 2024

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Hirawati Bhaskar Ate

...Applicant

Versus

Bhaskar Patruji Ate & Ors.

...Respondents

Mr. Dilip H. Shukla a/w. Mr. Abhinesh Yadav and Mr. D. K. Shukla,
for the Applicant.

Mr. Rahil Ahmed Siddiqui, for the Respondent Nos. 1 to 3

Mr. C. D. Mali, APP for the Respondent No.4 - State.

None appears for the Respondent No.5 – Central Railway

CORAM:	MADHAV J. JAMDAR, J.
PRONOUNCED ON:	15 th OCTOBER 2025
UPLOADED ON:	27 th OCTOBER 2025

JUDGMENT:-

1. Heard Mr. Shukla, learned Counsel appearing for the Applicant-Wife, Mr. Siddiqui, learned Counsel appearing for the Respondent Nos. 1 to 3 and Mr. Mali, learned APP appearing for the Respondent No.4 – State. None appears for the added Respondent No.5 – Central Railway, although served.

2. The challenge in this Criminal Revision Application is to the order dated 4th August 2025 passed by the learned Additional Sessions Judge, Thane in PWDVA Appeal No.40 of 2023 as also to

the order dated 31st March 2023 passed by the learned 6th Judicial Magistrate, First Class, Thane below Exhibit – 5 in PWDVA Appln. No.142 of 2021.

3. The Applicant is the wife of the Respondent No.1. By the impugned order dated 31st March 2023 passed by the learned 6th Judicial Magistrate, First Class, Thane, the Respondent No.1 has been *inter alia* directed to pay the interim maintenance of Rs.10,000/- per month to the Applicant-Wife and Rs.20,000/- per month to the daughter from the date of application till final order. The Respondent No.1 has been restrained from dispossessing Wife and Children from their residence i.e. B-605, Rawal Enclave, Near Post Office, Mira Road (E), Thane. The operative part of the said order dated 31st March 2023 reads as under:-

“ORDER

- 1] *Application is partly allowed.*
- 2] *Respondent no.1 is directed to pay interim maintenance of Rs. 10,000/- per month to complainant and Rs. 20,000/- per month to their daughter from the date of application till final order.*
- 3] *Respondent no.1 is restrained from dispossessing complainant and her children from their residence*

*i.e. B-605, Rawal Enclave, Near Post Office,
Miraroad (E), Thane.*

*4] Copy of this order be provided free of cost to both
the parties.”*

4. The said order dated 31st March 2023 passed by the learned 6th Judicial Magistrate, First Class, Thane has been challenged by the present Respondent No.1 by filing PWDVA Appeal No.40 of 2023 and by the present Applicant by filing PWDVA Appeal No.41 of 2023. By the impugned order dated 4th August 2023 in PWDVA Appeal No.40 of 2023 filed by the present Respondent No.1 has been partly allowed and the interim maintenance order of Rs.20,000/- per month granted to the daughter is quashed and set aside. However, the Respondent No.1 is directed to pay higher educational charges of daughter, if she secures the admission in Government institution. PWDVA Appeal No.41 of 2023 seeking enhancement of maintenance was rejected. The operative part of said order dated 4th August 2023 reads as under:-

“: ORDER :

- 1. The DV appeal bearing No. 40/2023 is partly allowed as under:*

- I. The order of interim maintenance of Rs. 20,000/- per month granted to daughter is hereby quashed and set aside. The rest of the impugned order stands maintained as it is.*
- II. The opponent herein is directed to pay the higher educational charges of daughter, if she secured the admission in Government institution.*
- 2. The D.V. appeal No. 41/2023 seeking enhancement stands rejected.*
- 3. Issue memorandum accordingly.”*

5. Mr. Shukla, learned Counsel appearing for the Applicant pointed out several aspects and submitted that the impugned order is required to be quashed and set aside. Mr. Siddiqui, learned Counsel supported the impugned order.

6. Perusal of the record shows that the Applicant – Wife along-with the Children are staying in said residence i.e. B-605, Rawal Enclave, Near Post Office, Mira Road (E), Thane. Admittedly, the said flat is of the ownership of the Respondent No.1-Husband. As far as the maintenance to the wife is concerned, it is an admitted position that the Applicant-Wife is a housewife. The Applicant has produced the summary chart enclosing certain documents. The payslip of the Respondent No.1-Husband for the month of February

2025 shows that gross salary of the Respondent No.1 is Rs.2,17,268/- and net salary is Rs.1,65,834/-. In any case, admitted position is that the Respondent No.1 is a Central Government Employee and he is working as a Senior Section Engineer (Group-C) in Indian Railways. By taking into consideration the minimum expenses required for sustenance and also taking into consideration overall circumstances, the amount of Rs.10,000/- per month as directed by the impugned order dated 31st March 2023 passed by the learned 6th Judicial Magistrate, First Class, Thane and as confirmed by the Additional Sessions Judge, Thane, is totally inadequate. The Applicant has sought maintenance of Rs.30,000/- per month for herself and Rs.30,000/- for both children-Ruchita and Pratik. Admittedly, both, Ruchita and Pratik are adults. However, Ruchita is Student and she has acquired M.B.B.S. degree and is pursuing M.D. in private college.

7. Learned Additional Sessions Judge, Thane has held that as Ruchita, daughter is an adult and as far as the maintenance/educational expenses of the daughter are concerned, she can file her independent proceedings. In the facts and circumstances, no interference in the said direction is warranted.

8. However, as far as the interim maintenance which has been granted to the wife of Rs.10,000/- per month the same is totally inadequate. By taking into consideration overall aspects and minimum expenses required for sustenance, an amount of Rs.20,000/- per month can be directed to be paid by the Respondent No.1 from the date of the application i.e. from 15th March 2021. While arriving at the said amount it is taken into consideration that the Applicant is staying in the premises which is of the ownership of the Respondent No.1. However, considering the overall circumstances, as the Respondent No.1 is Central Government Employee working as Senior Section Engineer (Group -C) and considering his payment, the Applicant-Wife is entitled for the interim maintenance of Rs.20,000/- per month.

9. Although the Central Railway is impleaded as party to the present Criminal Revision Application and although they have been served, none appears for the Central Railway. However, in the facts and circumstances, as the Respondent No.1 is not paying even the said interim maintenance of Rs.10,000/- per month on time and there are arrears of Rs.2,40,000/- and as the Applicant-Wife is required to file several proceedings for execution of said the order

and the salary is attached to the extent of Rs.15,000/- per month, certain directions are required to be issued to the Respondent No.5 – Central Railway.

10. Accordingly, for the above reasons, the following order is passed:

ORDER

- (a)** The order dated 31st August 2023 passed by the learned 6th Judicial Magistrate, First Class, Thane below Exhibit – 5 in PWDVA Application No. 142 of 2021 of granting maintenance of Rs.10,000/- per month to the Applicant-Wife as confirmed by the Judgment and Order dated 4th August 2023 passed by the learned Additional Sessions Judge, Thane is quashed and set aside.
- (b)** The Respondent No.1 is directed to pay the interim maintenance of Rs.20,000/- per month from date of the application i.e. from 15th March 2021.

(c) The Respondent No.5 - Central Railway is directed to pay each month an amount of Rs.30,000/- per month in the account of the Applicant- Hirawati Bhaskar Ate, (Rs.20,000/- per month towards monthly maintenance and Rs.10,000/- per month towards arrears) by deducting the same from the salary being paid to the Respondent No.1. It is clarified that the said amount of Rs.30,000/- includes the amount of Rs.15,000/- attached by the learned Trial Court.

(d) It is clarified that the Daughter - Ruchita is at liberty to file her independent proceedings seeking maintenance and educational expenses and all contentions in that behalf of both the parties are expressly kept open.

11. Criminal Revision Application is disposed of in above terms, with no order as to costs.

[MADHAV J. JAMDAR, J.]