



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL REVISION APPLICATION NO.25/2023

Kashinath S/o Bhaurao Bhadikar,
aged about 48 Yrs., Occ. Service,
R/o Vasant Nagar, Tahsil Ghatanji,
District Yavatmal.

... Applicant

- Versus -

1. Sou. Pushpa W/o Kashinath Bhadikar,
aged about 44 Yrs., Occ. Service.
2. Ku. Tanvi Kashinath Bhadikar,
aged about 17 Yrs., Occ. Education.
3. Ku. Priyanshi Kashinath Bhadikar,
aged about 15 Yrs., Occ. Education.

(Non-applicant Nos.2 and 3 are
minor, hence through their natural
guardian their mother the non-applicant
No.1)

Non-applicant Nos.1 to 3 R/o C/o
Pandhari Pendor, Tirupati Society,
Pimpalgaon Road, Yavatmal.

... Non-applicants

Mr. M.I. Dhattrak, Advocate for the applicant.

CORAM: MRS.VRUSHALI V. JOSHI, J.
DATE OF RESERVING THE JUDGMENT: 6.11.2025.
DATE OF PRONOUNCING THE JUDGMENT: 7.11.2025.

JUDGMENT

Heard the learned Advocate for the applicant. None appears for the non-applicants though served.

2. Rule. Rule made returnable forthwith. Heard finally by consent of learned Advocate for the applicant.

3. Being aggrieved by the judgment and order dated 2.12.2022 passed by the Family Court, Yavatmal in Petition No.E-6/2020 granting maintenance to the daughters/non-applicant Nos.2 and 3 even after attending their majority, the applicant has filed this application.

4. The Family Court has passed the order and granted maintenance to the non-applicants and the applicant is directed to pay an amount of Rs.3,000/- per month each to the non-applicant Nos.2 and 3 as a maintenance from the date of petition i.e. from 22.7.2013 till the date of order and applicant to pay an amount of

Rs.5,000/- per month to the non-applicant Nos.2 and 3 as a maintenance from the date of order till they get married or start earning whichever is earlier.

5. The learned Advocate for the applicant has urged that the order is passed under Section 125 of the Criminal Procedure Code. There is no provision under Section 125 of the Cr.P.C. to grant maintenance to the children who attain majority and are not physically and mentally abnormal or injured due to which unable to maintain themselves. As per the provisions of Section 125(1) (b) of Cr.P.C. maintenance to the minor children can only be granted and the case of the non-applicant No.2 and 3 is not covered under Section 125(1)(c) of Cr.P.C. Hence, prayed to modify the impugned order passed by the Family Court to that extent.

6. Though the non-applicants are served nobody appeared for the non-applicants. Hence, order was passed on

9.10.2025 to hear the matter in their absence. Accordingly, I have heard the revision application.

7. A very short question raised in this revision application is whether a daughter can claim maintenance under Section 125 Cr.P.C from her father after attaining majority?

8. Section 125(c) Cr.P.C. reads as under:-

“125. Order for maintenance of wives, children and parents.— (1) If any person having sufficient means neglects or refuses to maintain—

(a)

(b)

(c) his legitimate or illegitimate child (not being a married daughter) who has attained majority, where such child is, by reason of any physical or mental abnormality or injury unable to maintain itself, or”

9. In proceedings under Section 125 Cr.P.C. a major daughter cannot claim maintenance relying on the liability of the father to maintain his unmarried daughter.

10. It is observed by the Hon’ble Apex Court in the case of *Abhilasha V/s. Prakash and others* reported in (2021) 13 SCC

99 that an unmarried daughter can claim maintenance under Section 20 of the Hindu Adoptions and Maintenance Act. It is observed that the Family Court can grant maintenance to unmarried daughter even though she has become major enforcing her right under Section 20 of the said Act.

11. After considering the provisions of Section 125(c) Cr.P.C. the order passed by the Family Court granting maintenance after attaining the majority and up to the marriage of non-applicant Nos.2 and 3 is required to be modified. The order passed by the Family Court is modified to the extent that the maintenance which is granted to non-applicant Nos.2 and 3 will be continued till they attain majority. Accordingly, the revision application is partly allowed.

(MRS.VRUSHALI V. JOSHI, J.)