



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

CRIMINAL REVISION APPLICATION NO.1/2023

Sarika W/o Mukesh Meshram,
aged about 36 Yrs., Occ. Home Maker,
R/o Indora Bhandar Mohalla, near
Indora Buddha Vihar, Nagpur,
Tq. Nagpur, Distt. Nagpur.

... Applicant

- Versus -

Mukesh S/o Asaramji Meshram,
aged about 40 Yrs., Occu. Service
as Branch Manager, Union Bank of
India, Gandhibag Branch, near
Itwara Telephone Exchange
Nagpur.

... Non-applicant

AND

CRIMINAL REVISION APPLICATION NO.117/2023

Mr. Mukesh S/o Asaramji Meshram,
aged about 42 Yrs., Occu. Service,
R/o C/o Lt. Col. Dr. Ashok Meshram,
Flat No.201, Sai Enclave, Yashoda
Nagar, Distt. Nagpur,
Pin Code 440 036.

... Applicant

- Versus -

Sarika W/o Mukesh Meshram,
aged about 38 Yrs., Occ. Service,
R/o Indora Bhandar Mohalla, near
Indora Buddha Vihar, Distt. Nagpur.

... Non-applicant

Mr. V.N. Morande, Advocate for the applicant.
Mr. Pushkar R. Lawankar, Advocate for the non-applicant.
..(in Cri.R.A. No.1/2023)

Mr. Pushkar R. Lawankar, Advocate for the applicant.
Mr. V.N. Morande, Advocate for the non-applicant.
..(in C.R.A. No.117/2023)

CORAM: VRUSHALI V. JOSHI, JJ.
DATED: 24.9.2025.

ORAL JUDGMENT

Rule. Rule made returnable forthwith. Heard finally with the consent of learned Advocates for the parties.

2. As both the criminal revision applications are filed against the same impugned judgment and order, they are decided by this common order.

3. Criminal Revision Application No.1/2023 is filed by the applicant/wife for challenging the quantum of the maintenance granted to her in maintenance petition and praying for enhancement of the same.

4. Criminal Revision Application No.117/2023 is filed by the husband of the non-applicant challenging the maintenance

order on the ground that he was not granted an opportunity to contest the matter as *ex parte* order was passed. Without considering his liabilities, the exorbitant maintenance order is passed. Hence, prayed to set aside the said order.

5. The applicant/wife has stated that while considering the quantum of maintenance, Court has not considered the correct income of the non-applicant.

6. Salary slip of the non-applicant was filed on record. While calculating the income, Court has considered the deductions, which are not permissible and granted maintenance of Rs.15,000/- per month to the wife. The Court has considered net salary of the non-applicant as Rs.68,232/-. According to the applicant/wife, if only permissible deductions are considered while considering the income of the non-applicant then it would be Rs.86,801/- out of which the applicant is entitled for 25% to 33% and, therefore, she has filed this criminal revision application.

7. The learned Advocate for the non-applicant has opposed the application stating that the *ex parte* order of no written statement was passed. The non-applicant was not present during that period as he was transferred to Karnataka, therefore, it

was not possible for him to attend the Court as 6 to 7 days are required to reach from Karnataka to Nagpur. In his absence, without giving an opportunity to him to contest the matter, the impugned judgment and order came to be passed. The non-applicant had no opportunity to produce his documents, liabilities and assets and, therefore, he has filed the Criminal Revision Application No.117/2023 to set aside the order passed by the Family Court. The learned Advocate for the applicant/husband prayed to remand back the matters to the Family Court to consider afresh.

8. Heard both sides and perused the record.

9. It appears from the record that the order of no written statement in maintenance petition was passed on 3.2.2020 and the non-applicant/husband was transferred from Nagpur to Aurangabad and then to Karnataka. According to him, there were also internal transfers in Karnataka. He was transferred on 1.6.2022 from Nagpur.

10. Roznama filed by the learned Advocate for the applicant/wife shows that the non-applicant/husband has appeared before and after passing of the no written statement order against him but has not taken any effort to set aside the no

written statement order and now he is coming before the Court to set aside the impugned judgment and order on the ground that an opportunity was not given to him by the Family Court to contest the matter. As the non-applicant/husband appeared and not filed any application for setting aside no written statement order he has waived his right before the Family Court to contest the matter.

11. Salary slip of the applicant is on record. From the impugned judgment and order, it appears that non-permissible deductions are also considered by the Family Court and though the pleadings are there about the house at Bhandara and receiving rent from said property, same are not considered by the Family Court. The said details are not before this Court and, therefore, to consider the other income of the non-applicant/husband, his properties and non-permissible deductions made by the Family Court, it is necessary to remand back the matter, to this extent only, to the Family Court as the evidence on record in that regard only needs to be re-appreciated by the Family Court.

12. The impugned judgment and order is set side and matter is remanded back to the above extent, the non-applicant/husband has to pay / continue to pay the maintenance to the wife at the rate of Rs.15,000/- per month till disposal of the petition. The non-applicant/husband is allowed to

contest the matter only on the enhancement of quantum of maintenance. His application praying for allowing him to contest the matter on merits is rejected. It is made clear that rest contents of the impugned judgment and order is maintained.

13. Criminal Revision Application No.1/2023 and Criminal Revision Application No.117/2023 are disposed of in the above terms.

(MRS.VRUSHALI V. JOSHI, J.)