



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 826 OF 2025

Mayankkumar Virendraprasad Singh

-- **VERSUS** --

Sau. Priti Mayankkumar Singh

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. D.V. Mahajan, Advocate for the Petitioner.

None for the Respondent.

CORAM : M.M. NERLIKAR, J.

DATE : NOVEMBER 28, 2025.

Heard the learned counsel for the petitioner. None
appeared for the respondent.

2. In the present case, petitioner is challenging the
order dated 16/07/2025 passed below Exh.-6 by the Family
Court, Yavatmal, which allowed the application of respondent for
interim maintenance under Section 125 of the Code of Criminal
Procedure, 1973. .

3. The learned counsel appearing for the petitioner
submits that the interim maintenance granted under Section 125

of the Cr.P.C. to the respondent is against the well settled principles of law. The respondent is a highly educated lady having completed her education in B.B.A., PGDBM, and has appeared for M.B.A., and therefore, it cannot be said that she cannot earn livelihood. He further submits that petitioner is meeting his expenses by borrowing sum of Rs.30,000/- from his sister whereas the respondent-wife is engaged in the business and is earning Rs.40-50 Lakhs per annum and is also working in a private company with monthly income of Rs.60,000/-. The learned counsel appearing for the petitioner relied on the judgment of the Delhi High Court in the case of ***Megha Khetrapal VS Rajat Kapoor, 2025 SCC OnLine Del 1688***, para 47 which reads as under:

“47. Taking into consideration the observations made hereinabove, this Court is of the view that qualified wives, having the earning capacity but desirous of remaining idle, should now set up a claim for interim maintenance. Section 125 CrPC carries the legislative intent to maintain equality among the spouses, provide protection to the wives, children and parents and not promote idleness. In light of the same, this Court is of the considered view that a well-educated wife, with experience in a suitable gainful job, ought not to remain idle solely to gain maintenance from her husband. Therefore, interim maintenance is

being discouraged in the present case as this Court can see potential in the petitioner to earn and make good of her education.”

4. Though, the respondent is served and Mr. Sayare appeared on her behalf, but today he is not present.

5. Upon hearing the learned counsel for the petitioner and after perusal of the impugned order, it appears that the wife has completed her education in B.B.A. and PGDBM and had appeared for MBA, however, that by itself, is not sufficient to decline maintenance amount. It is true that a highly educated lady should not sit idle at home, however, unless and until, the petitioner brings on record that she is actually employed and is earning that by itself, will not dis-entitle her from seeking maintenance.

6. Similarly in the cases of *Shailja V. Khobbanna, (2018) 12 SCC 199* and *Manish Jain V Akansha Jain, (2017) 15 SCC 801*, the Supreme Court has held that mere capability or educational qualification of the wife is not sufficient to deny maintenance. It must be shown that she is actually earning or

deliberately avoiding gainful employment. The observations of the Apex Court in Para No.86 of ***Rajesh VS Neha, (2021) 2 SCC 324***, are relevant which reads as under:-

“86. In a marriage of long duration, where parties have endured the relationship for several years, it would be a relevant factor to be taken into consideration. On termination of the relationship, if the wife is educated and professionally qualified, but had to give up her employment opportunities to look after the needs of the family being the primary caregiver to the minor children, and the elder members of the family, this factor would be required to be given due importance. This is of particular relevance in contemporary society, given the highly competitive industry standards, the separated wife would be required to undergo fresh training to acquire marketable skills and re-train herself to secure a job in the paid workforce to rehabilitate herself. With advancement of age, it would be difficult for a dependant wife to get an easy entry into the work-force after a break of several years.”

Therefore, insofar as the present case is concerned, it appears that marriage was solemnized on 18/01/2019, and though the wife is educated, but at present, the husband has not brought anything on record to show that she is actually earning or is having a job. Further, it could be gathered from the record that the wife has averred that the petitioner has completed M.Tech and is employed in an I.T. company, earning

approximately Rs.35,00,000/- per annum. However, this fact was denied by the petitioner and he averred that, at present, he is unemployed. All these facts are required to be established by leading evidence in the main petition. Section 125 of the Cr.P.C. was drafted with an object to prevent the wife from destitution and vagrancy. Therefore, merely because the wife is educated, that by itself, does not disqualify her from claiming interim maintenance. Further, it is to be noted that, it appears and as was alleged by husband that before marriage wife was employed as an academic head in private company, however, nothing was brought on record to show that presently she was employed. Therefore, it could be said that she has sacrificed her employment for the family. Not only that, it is necessary to mention at this juncture that maintenance amount to the tune of Rs.12,000/- per month was granted towards interim maintenance, therefore, I do not find any perversity in the findings recorded by the Trial Court while granting interim maintenance. Hence, the petition is devoid of merits and does not deserve any indulgence, and is accordingly **dismissed**.

[M.M. NERLIKAR, J]