



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

CRIMINAL REVISION APPLICATION NO. 187 OF 2024

Shri Ravindra S/o Prabhakar Rao
Deogade,
Aged about 42 Years, Occ. Service,
R/o. 28-J, Bhende Layout, Swalambi
Nagar, Nagpur-440022.

APPLICANT

Versus

1. Smt. Priyanka @ Pooja w/o Ravindra
Deogade, (Ku. Priyanka D/o.
Ghanshyamji Kherde)
Aged about 42 Years, Occ. Service,

2. Mast. Pulkit @ Rudra S/o Ravindra
Deogade,
Aged about 12 Years, Occ. Student,
(Non-applicant No.2 being minor
through his mother legal guardian i.e.
Non-applicant No.1)

Both R/o. 28-J, Bhende Layout,
Swalambi Nagar, Nagpur-440022.

NON-APPLICANTS

Mr. Y.R. Chougule, Advocate for the Applicant.
Mr. R.R. Deo, Advocate (Appointed) for the Non-applicants.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 23rd JULY, 2025.

ORAL JUDGMENT :-

1. Heard finally by the consent of learned Counsel appearing for the respective parties.

2. By this Revision, the Applicant who is the original Respondent has challenged the order passed by the Principal Judge, Family Court Nagpur granting interim maintenance at the rate of Rs. 4,000/- per month each to the Non-applicants.

3. The brief facts of the case are as under:

3(i). The Applicant and the Non-applicant No.1/Wife are legally wedded on 18.11.2011 at Laxmi Mangal Karyalaya, Dhantoli, Nagpur as per the Hindu rites and customs. The Non-applicant No.1/Wife has begotten one son from the said wedlock. After marriage she resumed the cohabitation and it is alleged that she was not treated well by the present Applicant, and therefore, she constrained to leave the matrimonial house and started residing at her parents house. Thereafter, she filed the Petition No. E-425/2022 for grant of maintenance and other reliefs under Section 125 of the Code of Criminal Procedure. She has also claimed the interim maintenance from the present Applicant on the ground that the present Applicant is working as an Accountant in the Grip Tight Packaging Pvt.Ltd., drawing

a gross salary of Rs. 26,310/- and net salary of Rs 23,982/-. He has not made any arrangement for her maintenance or for a livelihood, and therefore, she claimed interim maintenance till the disposal of the Application.

3(ii). The said Application was strongly opposed by the present Applicant on the ground that she is earning for her livelihood and drawing the salary of rupees 12 to 15 thousand of doing the work of receptionist, and therefore, she is not entitled for any maintenance.

4. Heard learned Counsel for the Applicant, who submitted that the Non-applicant No.1/Wife is doing work as a receptionist and she herself has left the matrimonial house, and therefore, she is not entitled for any maintenance, whereas the present Applicant is shouldering the responsibility of his parents, he has to incur the expenses towards his livelihood, and therefore, the amount of maintenance granted by the learned Family Court is excessive and exorbitant. It is further submitted that though the Non-applicant No.1 is residing in the shared household alongwith the Applicant but no provision has been made for her maintenance, and therefore, she is claiming

the maintenance amount. It is contended that, she is doing the work as a receptionist and drawing the income of rupees 12 to 15 thousand, and therefore, she is not entitled for any maintenance. On the contrary, the Applicant has shouldering the responsibility of his parents and he has to incur the expenses towards his livelihood as well as towards maintenance of his parents. The learned Family Court has not considered this aspect and granted maintenance on the higher side. It is submitted that, as the Non-applicant No.1/Wife is already earning the amount, and therefore, this aspect requires to be considered, and therefore, the order passed by the learned Family Court granting interim maintenance deserves to be quashed and set aside.

5. Whereas, the learned Counsel for the Non-Applicants submitted that, merely because the Non-applicant No.1/Wife is earning some amount, is not sufficient to deprive her from getting maintenance. He submitted that, on the contrary there is no material evidence on record to show that the Non-applicant No.1/Wife is earning some amount and even accepting she is earning some amount that itself is not sufficient to deprive her from getting the

maintenance. In view of that, the Revision being devoid of merits liable to be dismissed.

6. After hearing both the sides and on perusal of the entire material placed on record it reveals that the Applicant is working in Grip Tight Packaging Pvt. Ltd., the salary slip which is issued by the company on record, which shows that he is drawing gross salary of Rs. 26,310/-, whereas drawing the net salary of Rs. 23,982/-(page 121). It is an admitted position that, the Non-applicant No.1/Wife alongwith her son is residing in a shared household in the same house. It also reveals from the record that the Non-applicant No.1/Wife has issued the notice and claimed the maintenance from the present Applicant. No provision is made for her maintenance or for the maintenance of her son. Admittedly, she has to incur the expenses towards the maintenance of her son as well as towards her daily expenses. At this stage, nothing is on record to show that any provision is made by the present Applicant being the husband for the maintenance of her son or the wife.

7. The aspect as to the maintenance if she is working is already considered by the Hon'ble Apex Court in the case of

Rajnish vs. Neha, reported in (2021) 2 SCC 324, wherein it has been elaborated upon the broad criteria and the factors to be considered for determining the quantum of maintenance. The Hon'ble Apex Court emphasizes that there is no fixed formula for calculating maintenance amount; instead, it should be based on a balanced consideration of various factors. These factors include and are illustrative but are not limited or exhaustive, they are as under:

- i. Status of the parties, social and financial*
- ii. Reasonable needs of the wife and dependent children.*
- iii. Qualifications and employment status of the parties.*
- iv. Independent income or assets owned by the parties.*
- v. Maintain standard of living as in the matrimonial home.*
- vi. Any employment sacrifices made for family responsibilities.*
- vii. Reasonable litigation costs for a non-working wife.*
- viii. Financial capacity of husband, his income, maintenance obligations, and liabilities."*

8. The law with respect to deciding the amount of permanent alimony is also settled by the various decisions of the Hon'ble Apex Court. In the case of ***Kiran Jyot Maini vs. Anish***

Pramod Patel, reported in (2024) 7 SCR 942, wherein the Hon'ble Apex Court has considered the facts as follows:

“The status of the parties is a significant factor, encompassing their social standing, lifestyle, and financial background. The reasonable needs of the wife and dependent children must be assessed, including costs for food, clothing, shelter, education, and medical expenses. The applicant’s educational and professional qualifications, as well as their employment history, play a crucial role in evaluating their potential for self sufficiency. If the applicant has any independent source of income or owns property, this will also be taken into account to determine if it is sufficient to maintain the same standard of living experienced during the marriage. Additionally, the court considers whether the applicant had to sacrifice employment opportunities for family responsibilities, such as child-rearing or caring for elderly family members, which may have impacted their career prospects.”

9. In another decision in ***Vinny Paramvir Parmar vs. Paramvir Parmar, reported in (2011) 9 SCR 371***, the Hon'ble Apex Court has held that as there cannot be a fixed formula or a straitjacket rubric for fixing the amount of permanent alimony and only broad principles can be laid down. The question of maintenance is subjective to each case and depends on various factors and circumstances as presented in individual cases. This Court in the above judgment stated that the courts shall consider the following broad factors while determining permanent alimony – income and properties of both the parties

respectively, conduct of the parties, status, social and financial, of the parties, their respective personal needs, capacity and duty to maintain others dependent on them, husband's own expenses, wife's comfort considering her status and the mode of life she was used to during the subsistence of the marriage, among other supplementary factors.

10. In the light of the above factors narrated by the Hon'ble Apex Court, if the facts of the present case are taken into consideration, admittedly, the Family Court has granted interim maintenance to the Applicant Nos.1 and 2 at the rate of Rs.4,000/- per month each i.e. total Rs.8,000/- per month. Considering, the prices of the essential commodities are also touching to the sky the Non-applicant No.1/Wife has to incur the expenses towards the education and maintenance of child as well as towards her maintenance and in that circumstances the Non-applicant No.1/Wife has to live her life as per the status of the present Applicant and after balancing all these factors, it would be appropriate to say that the maintenance granted by the learned Family Court is just and proper, and therefore, the Revision is devoid of merits and liable to be dismissed. Accordingly, I proceed to pass the following order.

ORDER

- i. The Revision is **dismissed**.
 - ii. The learned Family Court, Nagpur shall proceed with the main petition expeditiously by giving an opportunity to both the sides to adduce the evidence.
 - iii. The litigation between the parties pending before the Family Court, Nagpur shall be decided expeditiously.
 - iv. Fees of the learned Appointed Counsel for the Non-applicants be quantified as per rules.
11. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI PHALKE, J.)

S.D.Bhimte