IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO.258 OF 2023

MRS. TANVI @ TRUSHALI MILIND PATIL
VERSUS
MILIND GORAKH PATIL

WITH
CRIMINAL REVISION APPLICATION NO.58 2025

MILIND GORAKH PATIL
VERSUS
TANVI @ TRUSHALI MILIND PATIL

…

Shri Vinesh C. Solshe, Advocate h/f Shri Mahesh H. Patil, advocate for the wife.
Shri Sushant V. Dixit a/w Shri N.S. Raole, advocates for the husband.

…

CORAM : SUSHIL M. GHODESWAR, J.

Reserved on : 22 September 2026
Pronounced on : 04 November 2026

Per Court :-

1. In these two revision applications, both the parties have impugned the same judgment and order dated 31.05.2023 passed by the learned Judge, Family Court, Dhule, in Petition E No.68/2018 (Old Cri. M.A. No.1239/2016), thereby the application filed by the wife came to be partly allowed and the

husband is directed to pay maintenance of Rs.15,000/- per month to the wife. Thus, the husband has sought quashment of the impugned judgment, whereas the wife has sought enhancement of maintenance by modifying the impugned judgment.

2. Heard the learned counsel for the parties. Perused the impugned judgment and the material placed on record.

3. It is not in dispute that the marriage took place on 27.05.2015. However, the applicant wife is residing at the house of her parents since 01.04.2016. The learned Family Court, upon appreciation of the evidence, has not accepted the allegations of cruelty made by the wife against her husband. It is, however, evident from the material on record that the wife is residing separately from her husband since April 2016 and the husband has not paid any amount towards her maintenance on his own accord. The wife has established that she is unable to maintain herself and that the husband is having sufficient means to provide maintenance to her. The learned Family Court has also considered the income and financial capacity of the husband and, accordingly, granted maintenance of Rs.15,000/- per month to the wife.

4. It is the submission of the learned counsel for the applicant wife that the amount of maintenance granted to her is highly inadequate. According to the learned counsel, the husband is earning more than Rs.3.50 lakhs per month and, therefore, the wife is entitled to maintenance of Rs.60,000/- per month. It is also submitted that the learned Family Court ought to have granted maintenance from the date of application and not from the date of the order.

5. On perusal of the material on record, it is found that the marriage between the parties was unsuccessful and the wife has been residing separately from her husband since 01.04.2016. The wife has made allegations of cruelty and harassment against her husband, particularly in respect of the demand of money. However, the learned Family Court has not accepted those allegations for want of sufficient evidence. It is also borne out from the record that in March 2016, the father and maternal uncle of the husband had gone to take the wife from Bangalore. However, the relations between the parties could not be restored. It is the case of the husband that the wife had left his company on 31.03.2016. The fact remains that since 01.04.2016, the wife has

been residing separately from her husband. It is also not in dispute that the husband has not paid any amount towards her maintenance till the date of passing of the impugned order.

6. The next question for consideration is whether the amount of maintenance granted by the learned Family Court deserves to be enhanced. The learned Family Court has considered the judgments of the Hon'ble Supreme Court in ***Chaturbhuj Vs. Sita Bai*, reported in (2008) 2 SCC 316,** wherein, it is observed that where the personal income of the wife is insufficient, she can claim maintenance under Section 125 of the Code of Criminal Procedure. The test is whether the wife is in a position to maintain herself in the way she was used to in the place of her husband. In ***Bhagwan Dutt v. Kamla Devi, (1975) 2 SCC 386***, it is observed that the wife should be in a position to maintain a standard of living which is neither luxurious nor penurious, but which is consistent with the status of the family. The expression "unable to maintain herself" does not mean that the wife must be absolutely destitute before she can apply for maintenance under Section 125 of the Code of Criminal Procedure.

7. The aforesaid principles are required to be considered while determining the quantum of maintenance. In the present case, it is true that the wife is educated up to MBA and she had also worked with PCI Analytics Pvt. Ltd. for some period in the year 2017. However, merely because the wife is having an educational qualification and had worked for some period, it cannot be presumed that she is presently earning sufficient income to maintain herself. The material on record does not establish her present income. On the other hand, the husband has placed on record his salary slips and affidavit of disclosure of income, assets and liabilities. The salary slip at Exhibit 52 indicates that his gross salary for March 2022 was Rs.3,72,716/- per month. Thus, it is evident that the husband is having sufficient means to provide reasonable maintenance to his wife.

8. Considering the educational qualification of the wife, the status of the parties, the income of the husband and the requirements of the wife, in my opinion, the amount of Rs.15,000/- per month granted by the learned Family Court is inadequate. Though the wife has claimed maintenance of

Rs.60,000/- per month, the amount of maintenance should be reasonable and sufficient to enable her to maintain herself with dignity. In my opinion, an amount of Rs.25,000/- per month would be just and reasonable to meet her day-to-day expenses and to enable her to maintain herself with dignity.

9. The next question is whether the wife is entitled to maintenance from the date of application. The learned Family Court has refused to grant maintenance from the date of application on the ground that the wife had protracted the proceedings. However, considering the fact that the wife has been residing separately from her husband since 01.04.2016 and that the application for maintenance was filed on 24.10.2016, in my opinion, she is entitled to maintenance from the date of application. The mere fact that the proceedings continued for a considerable period cannot be a ground to deprive her of maintenance from the date on which she approached the Court for the said relief.

10. In view of the above discussion, I am of the opinion that the wife has made out a case for enhancement of maintenance from Rs.15,000/- to Rs.25,000/- per month and also

for grant of maintenance from the date of application. The husband has not made out any case for interference with the impugned judgment and order granting maintenance to the wife. Hence, the Criminal Revision Application filed by the wife deserves to be allowed and the Criminal Revision Application filed by the husband deserves to be dismissed. Hence, the following order:-

ORDER

(a) The Criminal Revision Application filed by the wife is partly allowed. The impugned judgment and order dated 31.05.2023 passed by the learned Judge, Family Court, Dhule, in Petition E No.68/2018 (Old Cri. M.A. No.1239/2016) stands modified. The amount of maintenance payable by the husband to the wife is enhanced from Rs.15,000/- to Rs.25,000/- per month. The enhanced amount of maintenance shall be payable from the date of application i.e. 24.10.2016.

(b) The Criminal Revision Application filed by the husband is dismissed.

(c) Both the Criminal Revision Applications are disposed of

accordingly.

11. At this stage, the learned advocate for the husband prays for staying the operation of this order. On the other hand, the learned advocate for the wife opposed the prayer.

12. Since there is no stay during the pendency of the application, the prayer for stay is rejected.

kps (SUSHIL M. GHODESWAR, J.)