



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 32 OF 2024

Navjyotsingh S/o Gangansingh Granthi
Age : 31 Years, Occu : Chartered Accountant,
R/o. Near Narhar Kurundkar School,
Kouta, Nanded.

...APPLICANT

Versus

Gurvindar Kaur W/o Navjyotsingh Granthi,
Age: 25 Years, Occu. Coaching and Business,
R/o. C/o. Gahvsingh Puransingh Ramgadiya,
Amdura, Post. Punegaon Shikarghat,
Behind Gurudwara, Ta. Mudkhed,
Dist Nanded.

...RESPONDENT

Ms. Rasal Asha Sanjay, Advocate for the Applicant.

CORAM: ABHAY J. MANTRI, J.

DATE : APRIL 16, 2026

ORAL JUDGMENT :

1. Heard. **Rule.** Rule is made returnable forthwith and heard finally with the consent of the learned counsel for the parties at the admission stage.
2. The Applicant has preferred this Revision challenging the order dated 03rd January 2024, passed below Exhibit 6 by the learned Family Court, Nanded in Petition No.E-57 of 2023, whereby interim maintenance of ₹ 15,000/- per month to the Respondent – wife and ₹ 5,000/- per month to the minor daughter has been granted from the date of filing of the Application till disposal of the main petition.

3. Heard learned counsel for the parties at length. Perused the impugned order, the record, as well as the judgment relied upon by the learned counsel for the Applicant.

4. At the outset, it appears that the Respondent, being the wife, filed an Application for grant of maintenance under Section 125 of the Code of Criminal Procedure, 1973 (for short “*Cr. P. C.*”) against the Applicant. During the pendency of the said Application, the Respondent filed an Application for the grant of interim maintenance. After considering the fact that the Applicant is a Chartered Accountant and was appointed as an Auditor for the statutory audit of the Gurdwara Sachkhand Board, Nanded, for the financial years 2020-2021 and 2021–2022, the learned Family Court passed the impugned order. Feling aggrieved by the said order, the Applicant has preferred this Application.

5. After considering the rival submissions of the parties and perusal of the record, it appears that the Applicant does not dispute his relationship with the Respondent. He further does not dispute that they have been residing separately since 15th January 2023 and that he has not provided any maintenance to the Respondent and their minor daughter.

6. The learned counsel for the Applicant vehemently contended that although the Applicant has passed the Chartered Accountant examination, he does not have substantial income and earns only ₹12,000/-

per month. She further submitted that initially, he was appointed to conduct the audit of the Gurdwara; however, he later resigned from the said post and therefore does not have sufficient means of income to pay the maintenance as awarded by the learned Family Court. During the course of the arguments, she drew my attention to the income tax return acknowledgments for the assessment years 2021–2022 and 2022–2023 and submitted that the Applicant does not have income more than ₹ 12,000/- per month. However, the learned Family Court has not considered these documents in their proper perspective and erred in awarding interim maintenance. Therefore, she urged that the said order be modified.

7. To support her contentions, she placed reliance on the judgment of the Hon'ble Supreme Court in *Bhushan Kumar Meen Vs. Mansi Meen, alias Harpreet Kaur*¹, more particularly paragraph No. 6 of the said judgment. Accordingly, she urged that the matter be remanded to the learned Family Court for reconsideration.

8. *Per contra*, learned counsel for the Respondent strenuously opposed the application and argued that the learned Family Court has rightly considered the material placed before it and, in paragraph No. 11 of the judgment, has recorded findings in that regard. He also drew my attention to the appointment order issued by the Gurdwara Sachkhand Board, Nanded, in favour of the Applicant as an Auditor, and submitted that, as per the said

¹ (2010) 15 SCC 372

appointment letter, the Applicant was receiving a fee of ₹ 2,50,000/- per year. Therefore, he submitted that there is no infirmity or perversity in the impugned order and urged that the application be rejected.

9. I have gone through the order passed by the learned Judge of the Family Court, particularly the findings recorded in paragraph No. 11. The learned Judge has dealt with the submissions made by the learned counsel for the Applicant and, after considering the same, held that the Applicant was earning ₹ 50,000/- to ₹ 60,000/- per month and accordingly awarded interim maintenance of ₹ 15,000/- per month to the Respondent and ₹ 5,000/- per month for the child.

10. The Applicant does not dispute that he is a Chartered Accountant. Similarly, he does not dispute that he was appointed as an Auditor for the statutory audit of the Gurdwara Sachkhand Board, Nanded, for the financial years 2020-2021 and 2021-2022. Still, he contends that he resigned from the said post on 09th May 2023. It is pertinent to note that the financial years 2020-2021 and 2021-2022 had already been completed before 09th May 2023; therefore, the said resignation letter, as pointed out by the learned counsel for the Applicant, is not helpful to him in support of his contention.

11. It is worth noting that it is a settled position of law that it is the obligation of the husband to maintain his wife and children, and he cannot be

permitted to plead inability to maintain them due to financial constraints as long as he is capable of earning. Similarly, the purposive interpretation of Section 125 of the Cr. P. C. needs to be taken into consideration while dealing with applications filed by a destitute wife, helpless children, or parents under this provision. The purpose is to achieve social justice, which is the constitutional vision enshrined in the Preamble of the Constitution of India.

12. Furthermore, Section 125 of Cr. P. C. is a social welfare provision that must receive a liberal and beneficial interpretation. Likewise, it must be borne in mind that the right to maintenance under Section 125 of the Cr. P. C. is not a benefit, but a legal and moral duty owed by the husband to maintain his wife and children. Undisputedly, the wife and daughter have been residing separately since 2023, and the Applicant has not provided any maintenance to them. This ground itself is sufficient to grant maintenance.

13. Having considered the above facts, and the fact that the Applicant is a Chartered Accountant capable of earning, he is liable to pay maintenance to his wife and daughter.

14. Apart from this, it is worth noting that the learned Family Court has granted only interim maintenance, and the main matter is pending for consideration. The parties have also adduced their evidence.

15. In **Bhushan** (supra), the learned Trial Court granted interim

maintenance of ₹ 10,000/- per month to the Respondent–wife during the trial. The learned Sessions Court and the High Court affirmed the said order. After considering the submissions, the Hon’ble Supreme Court held that the Applicant–husband therein was receiving ₹ 9,000/- in hand after deductions. However, in the case at hand, no cogent material has been placed on record to indicate that the Applicant herein is receiving ₹12,000/- per month as alleged. On the contrary, the Applicant is a Chartered Accountant and was appointed as an Auditor for the Gurdwara Sachkhand Board, Nanded. Therefore, the observations made in the said judgment are hardly of any assistance to the Applicant.

16. Thus, on perusal of the record and the impugned order, it appears that the Applicant has failed to maintain the Respondents when he has sufficient means of income to maintain them. As such, the order passed by the learned Judge appears just and proper. Hence, I do not find merit in the contentions of learned counsel for the Applicant to interfere in the impugned order

17. Consequently, **the Revision Petition, being devoid of merit, stands dismissed.** No order as to costs. Inform the order to the learned Family Court.

18. Rule is discharged.

(ABHAY J. MANTRI, J.)