



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL REVISION APPLICATION NO. 102 OF 2024

Sarang S/o Suryakant Deshpande
Age: 41 years, Occu.: Teacher,
R/o. Suyog Teacher's Colony, Kolher Road,
Georai, Tq.Georai, District Beed.

....Applicant
(Ori. Respondent)

Versus

1. Sima W/o Sarang Deshpande
Age: 36 yrs., Occu.: Household,
R/o. Suyog Teacher's Colony, Kolher Road,
Georai, Tq.Georai, District Beed.

2. Swara d/o Sarang Deshpande
Age: 10 yrs., Minor,
U/g. mother respondent no.1,
R/o. As above.

.....Respondents

.....
Advocate for Applicant : Mr. Sunil Prabhudeo Sonpawale
Advocate for Respondents : Mr. Kshitij H. Surve

....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 19 JANUARY, 2026

PRONOUNCED ON : 21 JANUARY, 2026

ORDER :

1. Revision petitioner husband questions the legality, propriety and sustainability of judgment and order dated 30-01-2024 passed by the learned Judge, Family Court, Beed in Petition No.E 221 of 2020.

(undisputedly revision petitioner husband has also instituted

Petition A No.241 of 2020 for restitution of conjugal rights and the same was also decided by learned Judge, Family Court, vide above common judgment and Petition A No.241 of 2020 came to be dismissed. Record shows that revision petitioner had filed Family Court Appeal No.30 of 2024, however, on instructions from his client, he withdrawn said proceedings wherein above common judgment was assailed. Therefore, what remains for consideration is order granting maintenance to respondent wife in her proceedings bearing Petition E No.221 of 2020).

2. Parties before the Court are husband and wife, who seem to have got married on 12-02-2021 and also have a child from said marriage. Wife claims that, after few months of marriage, there were quarrels and strained relations. It is further stated that, at the time of Diwali festival of 2019, she came to Georai for attending the baby shower programme of her brother's wife and she along with her parents wants to meet husband in order to allow her to cohabit, however, husband and his parents intentionally locked the house and went out of the town. That, he further refused to maintain her as well as the child and therefore, claiming that she had no source of income, respondent no.1 wife set up above claim for maintenance

under Section 125 of the Code of Criminal Procedure.

3. Specific case set up by respondent no.1 wife is that husband was working as Teacher in primary school and earns Rs.76,000/- per month. That, apart from salary, by running multi services of sale of stationery and xerox, he also earned Rs.50,000/- per month. That, he had ancestral agricultural property and moreover, had no liabilities to share and his father, who being a pensioner was receiving pension and therefore, she claimed maintenance.

4. The above proceedings was contested by revision petitioner husband denying above income and put up a case that after deduction, he receives barely Rs.46,000/- per month i.e. after deductions of various loans and as such he is not in position to pay maintenance.

5. Record shows that parties have adduced their respective evidence at Exhibits 29, 33 and Exhibit 15 respectively. In their examination-in-chief, they seem to have reiterated their respective cases. Record shows that, while under cross, wife seems to have admitted that she is hale and hearty and completed her H.S.C., D.Ed.

and can do job. She produced his salary certificate Exh.4/1 and 7/12 extract at Exh.13, educational academic expenses Exh.31/1 to 3. Apart from above oral evidence, she has placed on record her affidavit of assets and liability at Exh.16.

6. On the other hand, husband in the cross admitted that his father was retired Head Master and that there is ancestral property. He seems to have candidly admitted receiving monthly salary of Rs.76,000/-, but according to him, after deductions, he receives net salary of Rs.46,000/- per month. He denied agricultural income to the tune of Rs.5,00,000/-, but admitted that he did not send money order or sent money to wife. He also admitted that he is unable to produce documents in respect of wife running a beauty parlour and earning from it. His cross shows that he has no liabilities and his father is a beneficiary of pension. Regarding his contention of deductions from salary and merely receiving Rs.46,000/- per month, details of deductions are not provided by him except deductions to the tune of Rs.1,980/-.

7. Therefore, here, though respondent no.1 wife is shown to be qualified, there is nothing to show that she has independent source of

income. Moreover, child is with her. When husband has admitted that he is not sending money to her, it is obvious that there is neglect to maintain in spite of having sufficient means by way of income from both salary as well as from ancestral agricultural property. Learned trial Court has awarded Rs.20,000/- per month to wife and Rs.10,000/- per month to daughter, considering salary and other earning of the applicant husband and the same cannot be said to be exorbitant. There is no perversity or infirmity in the findings of the learned Judge, Family Court. Therefore, application deserves to be rejected. Hence, following order :

ORDER

Application is rejected.

(ABHAY S. WAGHWASE)

JUDGE