



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 111 OF 2024

Angad S/o Pandit Mali,
Age : 50 years, Occupation : Service,
R/o Venkatesh Nagar, Latur,
Taluka and District Latur. ... Revision Petitioner

Versus

Manisha W/o Angad Mali,
Age : 40 years, Occupation Household,
R/o Kapil Nagar, Khadgaon Road,
Latur, Taluka and District Latur. ... Respondent
(Orig. Applicant)

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Mr. M. L. Dharashive, Advocate for the Revision Petitioner.
Mr. Ajinkya A. Joshi h/f Mr. S. V. Natu, Advocate for the Respondent.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 09.02.2026

Pronounced on : 10.02.2026

ORDER :

1. Revision petitioner husband hereby questions the judgment and order thereby partly allowing the Criminal M.A. No. 01/2021 filed by the respondent-wife and dismissing the Criminal M.A. No. 10/2019 filed by the revision petitioner, by virtue of common judgment dated 04.03.2024. Criminal M.A. No. 10/2019 was directed against grant of maintenance to the respondent-wife under Section 125 of Cr.P.C., whereas, Criminal M.A. No. 01/2021 was by wife getting dissatisfied by the quantum of maintenance granted under Section 127 of Cr.P.C.

2. Learned counsel for the revision petitioner-husband would point out that, respondent is his wife and she instituted Criminal M.A. No. 208/2004 alleging neglect to maintain and thereby set up proceedings under Section 125 of Cr.P.C. He pointed out that in the said initial proceedings, she stood beneficiary of Rs.500/- per month to herself as well as Rs.175/- to each of the two children by order dated 14.06.2006. Learned counsel further pointed out that, subsequently in 2008, she filed another Criminal M.A. bearing No. 332/2008 for enhancement and succeeded in getting Rs.700/- for herself as well as Rs.500/- for each of the children. However, according to him, she filed Criminal M.A. No. 5/2018 again for enhancement and succeeded in getting Rs.1500/- per month by order dated 20.02.2019.

3. Learned counsel further submitted that wife is abusing the process of law. That, she has left the company of husband without just and sufficient cause and she is staying at her maiden house since more than a decade. Therefore, learned counsel questions grant of maintenance to her. It is pointed out that wife has sold 2 acres land allotted to her in lieu of maintenance. That, revision petitioner was working as a peon and has now retired from service, therefore he is

not in a position to meet ever rising demands of wife. He submits that, repeatedly and successively petitions are filed. Currently, warrant has been issued against him and therefore he prays to allow the revision by setting aside the impugned judgment dated 04.03.2024.

4. In answer to above, learned counsel for respondent-wife would submit that, after subjecting wife to ill-treatment, she was forced to leave the house. That, She has two children to take care of. That, though initially Rs.700/- and Rs.1500/- were granted by way of enhancement, said quantum is meager in current days of rising expenses. Therefore, she justifies previous orders of grant of maintenance, but is again dissatisfied by the quantum, which according to her is still inadequate.

5. From the record, it is emerging that parties are married and due to strained relations, they are living separately. On being neglected and having no independent means of income, initially she seems to be beneficiary of maintenance to the tune of Rs.500/- for herself and Rs.175/- per month to each of the children in Criminal M.A. No. 208/2004. She further appears to have filed Criminal M.A. No. 332/2008 urging for maintenance and the same was allowed by

enhancing the maintenance to Rs.700/- for herself and Rs.500/- to each of her children by order dated 29.01.2011. Yet again she seems to have filed Criminal M.A. No. 5/2018 for enhancement and yet again seems to be succeeded in receiving Rs.1500/- vide order dated 20.02.2019 and thereafter finally, she seems to have instituted proceedings under Section 127 of Cr.P.C. vide Criminal M.A. No. 01/2121 and the order passed therein is the subject matter of this revision. She seems to have sought enhancement to the tune of Rs.15,000/-per month.

6. Record shows that before trial court, present revision petitioner resisted the above proceedings vide his reply Exhibit 20 setting up a case that he has now married another lady and has a son, whose education expenses are borne by him. He has ailment of hypertension. According to him, he has already parted with 2 acres of land in the name of his wife and she had sold it for Rs.4,00,000/- and thereby now she is not entitled either for maintenance or enhancement.

7. Before the trial court, parties seem to have adduced a voluminous documentary evidence, details of which are noted in para 14 of the impugned judgment. Husband seems to have tendered his affidavit at Exhibit 20 whereas wife seems to have tendered her

affidavit of evidence at Exhibit 23. Record shows that wife is already beneficiary of enhanced maintenance of Rs.1500/- by order dated 20.02.2019 and in the current proceedings bearing no. 01/2021 which was under Section 127 of Cr.P.C., she seems to be receiving Rs.7000/-.

8. Husband's affidavit of assets and liabilities goes to show that his salary is to the tune of Rs.51,316/- per month. He has also stated his liabilities about loan, its EMI, provident fund loan and that, he has to shoulder responsibility of his second wife, son born out of second marriage as well as old aged parents. However, now wife by virtue of enhanced maintenance is shown to be getting Rs.7,000/-. Apparently thus children are not made to be paid. Learned trial court has, in its judgment from para 25 to 32, made discussion about the earnings and expenditure of husband. Contention raised before this Court that, revision petitioner is no more working and that he has retired has not been demonstrated. Even otherwise, if it is so, i.e. even if he is shown to be retired, he cannot escape the liability of providing maintenance to first wife who is found to be entitled to receive maintenance. Considering his affidavit of assets and liability, learned trial court has fixed the quantum of Rs.7000/- which indeed is required for bare minimum survival in present days.

9. This being revision, only limited scope for this Court is to see whether impugned order is patently illegal or perverse. On going through the impugned judgment, this Court is convinced that all necessary requirements and entitlement of wife are taken into account, apart from keeping in view the earning capacity of revision petitioner. There being no error so as to interfere by way of revision, the following order is passed :

ORDER

Criminal Revision Application is dismissed.

[ABHAY S. WAGHWASE, J.]

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