



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

CRIMINAL REVISION APPLICATION NO. 02 OF 2025

Dr. Rameshwar Madhavrao Chole,
Age 36 years, occ. Service as
Medical Officer, R/o. Kolnoor,
Taluka Jalkot, Dist. Latur,
presently residing at
Apparao Chowk, Udgir,
Taluka Udgir, Dist. Latur

...Petitioner

Versus

1) Sow. Dr. Tejaswini Rameshwar Chole,
Age 30 years, Occ. Service,
Medical practitioner,
presently residing at
Plot No. 36, Pangarkar Nagar,
Ambad Road, Jalna

2) Rishan s/o Rameshwar Chole,
Age 8 years, minor,
U/g of real mother
Sou. Dr. Tejaswini Rameshwar Chole
R/o as Above

...Respondents

WITH CRIMINAL REVISION APPLICATION NO. 176 OF 2024

1) Sow. Dr. Tejaswini Rameshwar Chole,
Age 31 years, Occ. Education,
R/o. Plot No. 36, Pangarkar Nagar,
Ambad Road, Jalna

2) Rishan s/o Rameshwar Chole,
Since minor under guardian of petitioner no.1
Age 06 years, Occ. Education,
R/o. Plot No. 36, Pangarkar Nagar,
Ambad Road, Jalna

...Petitioners

Versus

Dr. Rameshwar Madhavrao Chole,

Age 37 years, Occ. Govt. Medical Service,
R/o.Sub District Government Hospital,
Opp Shivaji College, Nai Abadi, Khadkali,
Udgir, Tq. Udgir, Dist. Latur

...Respondent

- Mr. V. D. Gunale, Advocate for the Petitioner in Revn/2/2025 & for Respondent in Revn/176/2024
- Mr. S. S. Randive, Advocate for the Applicant in Revn/176/2024 & for Respondent in Revn/2/2025

CORAM : ABHAY S. WAGHWASE, J
RESERVED ON : FEBRUARY 20, 2026
PRONOUNCED ON : FEBRUARY 23, 2026

JUDGMENT :

1. Revision Petition No. 176/2024 is filed at the instance of Petitioner Wife, dissatisfied by the judgment and order dated 27.05.2024 passed by learned Family Court, Jalna in Petition No. E-133/2022.

Whereas, Revision Petition No.2/2025 is filed at the instance of Petitioner Husband and he too takes exception to same order dated 27.05.2024 passed by Family Court, Jalna in Petition No. E-133/2022

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2. Petitioner Tejaswani for herself and her son instituted Section 125 Code of Criminal Procedure proceeding before Family Court, Jalna on the premise that, she was married to Respondent on 14.06.2015. That, they both are doctors. According to her, after marriage her husband started intimidating her, dislike her, had physical relations

with her after administering anesthesia and finally, she claims to have been cheated and thereby filed complaint for rape but said issue was resolved. Then she alleged that, mother-in-law expressed displeasure on account of dowry and she was prevented from going near husband. That, in spite of demand met, husband and his family members continued to raise demand and finally, while she was five months pregnant, she was beaten and being driven out of the matrimonial house. After birth of child, she came for cohabitation but again there was taunting, ill-treatment and in January, 2020, she was again driven out of the house. That, she had no independent source of income and husband has made no provision for the same, and, therefore, she set up maintenance claim for herself and minor.

3. Above proceedings were resisted by Respondent Husband by filing say at Exhibit 17 and he also leveled allegations against her.

4. Before learned Family Court, both of them have adduced oral and documentary evidence and after appreciating the same, learned Family Judge was pleased to partly allow the Petition directing payment of Rs.10,000/- to wife and Rs.15,000/- to the son. Dissatisfied by the same, she has come up before this Court in instant Revision.

5. Learned Counsel for Petitioner Wife would submit that, wife

has no independent source of income, salary of husband is over Rs.1,06,000/- per month and as such, he is capable of paying maintenance demanded before Family Court. That, he has no responsibilities. On the contrary, wife has responsibility of minor and looking into the current expenses for his upbringing including education, he urges to enhance the maintenance.

6. Before the Family Court husband failed to adduce his own evidence but he filed affidavit of his evidence and liabilities at Exhibit 24. On the contrary, wife has placed on record her own bank statement account and also her affidavit of assets and liabilities at Exhibit 19.

7. Section 125(4) CrPC provides for disqualification from receiving maintenance. None of the contingencies therein are put forth by Respondent Husband for disentitlement to pay maintenance. Learned Counsel for Petitioner has made statement across the bar that, wife is still pursuing post graduation in Ayurveda and is yet to start earning. Such contentions are not refuted. On the other hand, husband has not denied about he is professional doctor and his own statement at Exhibit 24 shows that he is earning to the tune of Rs.58,343/-. Learned Family Court has granted Rs.10,000/- to wife. Considering the responsibilities of minor aged 6 years, his upbringing and his future education, this Court finds grant of Rs.15,000/- to the minor as

appropriate amount. The quantum awarded to wife is neither less nor exorbitant so as to modify the same. No case being made out on merits, Revision is required to be dismissed.

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8. Husband has challenged order of Family Court granting maintenance to wife and son to the tune of Rs.10,000/- and Rs.15,000/- respectively in proceedings bearing no. E-133/2022.

9. Learned Counsel for Petitioner Husband would submit that, there is no dispute about relations as husband and wife. That, their marriage is also admittedly of 2015, however, according to him, by leveling false allegations, wife deserted him without just and sufficient cause. That, she having left his company on her own, was not entitled for maintenance. That, there was no ill treatment as alleged. That, moreover, at the time of marriage itself wife was prosecuting studies of BAMS in the final year i.e. in the year 2015. Now she has completed her studies as well as internship and is, therefore, capable of earning. That, moreover, she is also pursuing her post graduation studies and by serving as medical officer she is earning Rs.50,000/- and as such, she has her independent source of income and, therefore, not entitled for financial aid from husband.

10. He further submitted that, in spite of above case put up before Family Court, the same has not been correctly appreciated and exorbitant maintenance has been granted to the tune of Rs.10,000/- and Rs.15,000/- to each of the Petitioners. That, in fact, husband has own responsibilities. That, he has borrowed loan for treatment of psoriasis, a skin disease and is paying huge EMI for the same. That, there are several deductions from the salary and, therefore, is not in a position to pay above amount of maintenance awarded by Family Court.

11. In answer to above, learned Counsel for Wife would point out that, wife has no source of income and is not in employment as alleged. Moreover, according to him, quantum awarded by Family Court is insufficient and has been challenged for seeking enhanced compensation. He again reiterated that, there is responsibilities with the wife of the minor child and husband has no such responsibility and he earns over a lakh and is capable of paying more compensation.

12. Before the Family court, parties have adduced evidence at Exhibits 17 and 35 respectively. As pointed out, the present Revision Petitioner husband has not adduced his own evidence and has merely filed affidavit of assets and liabilities at Exhibit 24. On going through the same, it is emerging that, during those days, he was drawing salary of Rs.58,343/-.

13. It is noticed that, as regards to contention of husband that wife is working as medical officer and earning Rs.50,000/-, there is no oral or documentary evidence. His own contention that, still she is pursuing her higher studies i.e. post graduation studies itself goes to show that, she is not engaged in any service and, therefore, definitely entitled to receive financial support from husband, who is doctor and capable of providing maintenance.

14. Petitioner Husband could not demonstrate that, there was error on the part of Family Court in awarding maintenance to wife and son. It has not been brought to the notice that, how Family Court erred in computing the maintenance when admittedly his own affidavit of assets and liability shows that, he earns Rs.58,343/-.

For above reasons, there being no merits and taking into account limited scope with this Court while entertaining Revision Application, there being no error or illegality in the order, Revision Petitioner fails.

15. In view of above, following order is passed:

ORDER

Both Criminal Revision Applications stand dismissed.

(ABHAY S. WAGHWASE, J.)

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