



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

CRIMINAL REVISION APPLICATION NO. 287 OF 2024

Sangeeta W/o Rameshwar Daspute,
Age 43 Years, Occu: Household,
R/o Jaybhavani Nagar,
Near Jagrut Hanuman Mandir,
Aurangabad

...Applicant

Versus

Mr. Rameshwar S/o Shrimantrao Daspute,
Age: 45 years, Occu: Contractor & Plotting Business,
R/o. Jaybhavani Nagar, 13th Scheme,
Aurangabad

...Respondent

- Ms. Vanita Sangole h/f Ms. S. H. Kazi, Advocate for the Applicant
- Mr. H. P. Jadhav, Advocate for the Respondent

CORAM : ABHAY S. WAGHWASE, J
RESERVED ON : JANUARY 21, 2026
PRONOUNCED ON : JANUARY 22, 2026

ORDER :

1. The present Revision Petitioner – Wife has preferred instant Revision against the judgment and order dated 09.08.2024 passed in Criminal M. A. No. 15/2021 by learned Principal Judge, Family Court, Aurangabad, thereby directed maintenance to be paid from the date of order instead of date of application.

2. Learned Counsel for the Revisionist would point out that, a short issue in this Revision is of entitlement to receive maintenance

from the date of application and not from the date of order. She would point out that, Revision Petitioner had filed Criminal M.A. No. 15/2021 before learned Family Court and she also succeeded in making out a case for grant of maintenance. That, subsequently, after change in circumstance, she instituted proceedings under Section 127 of Code of Criminal Procedure (“Cr.P.C”) seeking enhancement. However, according to her, instead of awarding maintenance from the date of such application under Section 127 Cr.P.C, learned Family Court directed payment from the date of order i.e. 09.08.2024, which according to her, is erroneous. She places reliance on the judgment of this Court in Criminal Revision Application No. 43/2017 (Sau. Sangita w/o Rameshwar Daspute vs. Rameshwar Shrimantrao Daspute), wherein, this Court, while allowing Revision Application, has held that, enhancement is liable to be paid from the date of application and not from the date of order.

3. Learned Counsel for Respondent has opposed the application primarily on the ground that, only Section 125 Cr.P.C permits payment from the date of application and that there is no provision under Section 127 Cr.P.C to grant enhancement of compensation from the date of application. Therefore, he justifies the order of Family Court and takes this Court through the observations of

Family Court in the impugned order.

4. The central point for consideration in this Revision is, whether enhancement of maintenance granted by Family Court is to be made applicable from the date of application or from the date of order of Family Court.

5. Learned Counsel for Revision Petitioner has placed on record judgment of this Court in Criminal Revision Application No. 43/2017, wherein this Court in paragraph 12 has held as under:

*12. In this regard it is also necessary to note that there is no provision under Section 127 of the Cr.P.C. like the one under Sub-Section 2 of Section 125 of the Cr.P.C. which requires a Magistrate to specify the date for operation of the order of enhanced maintenance. Be that as it may, assuming that the provision of Sub-Section 2 of Section 125 of the Cr.P.C even governs / regulates the powers of the Magistrate under Section 127 of the Cr.P.C., still it is apparent that the discretion has to be exercised judiciously and not arbitrarily. In other words, the Magistrate must demonstrate objectively as to why in any case he is directing the enhanced maintenance to be made payable either from the date of the application or from the date of the order. This is where the learned Judge of the Family Court seems to have committed an error in not appreciating the law laid down by the Supreme Court in case of **Suman Narayan Niphade** (supra) and by simply referring it, has made the enhanced maintenance operational from the date of the order.*

6. Consequently, adopting the same view, the Applicant's consideration for enhancement needs to be computed from the date of application and not from the date of order as is held by Family Court. Therefore, interference is called for and the order to that extent deserves to be set aside. Hence, I proceed to pass following order:

ORDER

- (a) Criminal Revision Application is allowed.
- (b) Clause '2' of the impugned order dated 09.08.2024 passed in Criminal M.A. No. 15/2021 is modified to the extent of directing payment of maintenance to the Applicant "from the date of application" instead of "from the date of this order".
- (c) Rest of the judgment and order to remain intact.

(ABHAY S. WAGHWASE, J.)

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