



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 121 OF 2025

Ravindra S/o. Kisan Palakudtewar,
age. 35 years, occ. Labour,
r/o. Matoshree Nagar, Chandanzira,
Jalna, Tq. and Dist. Jalna.

...Applicant

Versus

1. Priyanka W/o. Ravindra Palakudtewar,
age. 27 years, occ. Household,
r/o. c/o. Shivshankar Dashrath Banda,
Markande Nagar, Near Rathod Hospital,
Rohanwadi Road, Mantha Bypass,
Jalna.

2. Aditi D/o. Ravindra Palakudtewar,
age. 2.5 years, occ. Nil,
Minor under a guardian
Respondent No. 1
r/o. As above.

...Respondents

Advocate for Applicant : Mr. Yogesh G. Somani

Advocate for Respondent Nos. 1 & 2 : Mr. Tabrezuddin R. Quadri

CORAM : ABHAY J. MANTRI, J.

DATE : 15TH APRIL, 2026

ORAL JUDGMENT :

1. Heard. **Rule.** Rule is made returnable forthwith.
2. The Applicant has preferred the Revision Application challenging the judgment and order dated 16.01.2025, passed by the learned Family Court, Jalna, in Petition No. E-214/2021, whereby,

granted maintenance of Rs. 4,000/- per month to respondent nos. 1 and 2, each from the date of petition.

3. Heard the learned Advocate for the Applicant and Respondents. Perused the impugned order and record.

4. At the outset, it appears that Respondent no. 1 and Respondent no. 2, being the wife and daughter of the Applicant, respectively, have filed an Application for the grant of maintenance under Section 125 of the Code of Criminal Procedure (for short, '***Cr. P. C.***') before the Family Court, Jalna. After considering the evidence on record, learned Judge held that Applicant has sufficient means of income and his annual salary for the assessment year 2020-2021, was Rs. 6,93,992/- p.a. and his income for the assessment year 2022-2023, is of Rs. 2,84,154/- p.a. and, therefore, allowed the petition filed by the Respondents and granted maintenance of Rs. 4,000/- per month each to the respondents. Being aggrieved by the said order, Applicant has preferred this Application.

5. It is pertinent to note that the Applicant does not dispute his relationship with the Respondents. He also does not dispute that they have been residing separately since 04.11.2022, nor has he provided any maintenance to them. However, he submitted that during the pendency of the proceedings before the Family Court, the Applicant and the

Respondents resided together for approximately one year.

6. Learned Advocate for the Applicant vehemently contended that Respondent No. 1 is a Civil Engineer and she has sufficient means of income and, therefore, as per the provisions of Section 125 of the Cr. P. C. is not entitled to maintenance, as she can earn an income. Secondly, he submitted that the Applicant has also filed a petition for restitution of conjugal rights, which was decreed. Despite the said fact, Respondent no. 1 did not come to cohabitation and, therefore, Respondent no. 1 is not entitled to get the maintenance. However, he does not dispute that Respondent no. 2 is entitled to maintenance, and the Applicant is ready to pay maintenance to her.

7. On the other hand, learned Advocate for the Respondents strenuously opposed the Application and contended that Respondent no.1 has no source of income and, therefore, she is unable to maintain herself. On the contrary, it was incumbent on the Applicant to maintain his wife and daughter. The learned Family Court has considered the settled provision of law and awarded the maintenance to Respondent nos. 1 and 2. The judgment and order passed by the Family Court is just and proper, and no interference is required. Hence, he urged the dismissal of the Revision Application.

8. On perusal of the record, at the outset, it appears that Applicant is a Mechanical Engineer (M.Tech.). He was working as a professor, then he worked in a private company, with a salary of Rs. 6,93,992/- for the assessment year 2020-2021 and Rs. 2,84,154/- for the assessment year 2022-23. Similarly, Applicant failed to adduce any evidence on record to demonstrate that Respondent No. 1 was in employment or that she was earning any amount. Likewise, the Applicant himself, in his affidavit of assets and liabilities, admitted that his salary is Rs. 55,000/- per month. At this stage, the learned Advocate for the Applicant submitted that during the COVID-19 pandemic, he lost his job. Therefore, he was unable to maintain himself as well as the Respondents. However, nothing has been brought to the record in that regard before the learned Family Court. Therefore, his contention cannot be accepted at this stage, in the absence of cogent evidence.

9. It is worth noting that it is the bounden duty of the husband to maintain his wife and children. He cannot be permitted to claim that he is unable to maintain them due to financial constraint as long as he is capable of earning. Similarly, a purposive interpretation of Section 125 of the Cr. P. C. needs to be taken into consideration while dealing with the Application of a wife and helpless children. The purpose is to achieve social justice, which is enshrined in the Preamble of the

Constitution.

10. Further, Section 125 of the Cr. P. C. is a social welfare provision, which must be subjected to extensive beneficial construction, and this understanding has been extended to maintenance. Likewise, it must be borne in mind that the right to maintenance under Section 125 of the Cr. P. C. is not a benefit merely taken by the wife or children, but rather the legal and moral duty borne by the husband to maintain his wife and children. In the case at hand, Respondents admittedly reside separately, and the Applicant has not provided any maintenance to them. The said ground is sufficient to grant them maintenance.

11. Besides, merely filing the proceedings by the Applicant for restitution of conjugal rights is not sufficient to discharge the burden lying on him to maintain the Respondents. Therefore, I do not find substance in the contention of the learned Advocate for the Applicant in that regard. Having considered the above discussion as well as the mandate laid down in **Rajnesh Versus Neha and Others, (2021) 2 SCC 324**, in my view, the Applicant is liable to pay the maintenance to the respondents.

12. Perused the impugned order. In paragraphs nos. 26 and 27, learned Judge of the Family Court, Jalna, has dealt with the income of the Applicant and, after considering the same, has passed the impugned

order. The finding recorded by the learned Judge appears to be just, legal and proper. Therefore, no interference is required to interfere in the impugned judgment.

13. As a result, **the Application, being devoid of merit, stands dismissed.** The Rule is discharged. No order as to costs.

14. Needless to clarify that Applicant is directed to pay arrears of maintenance to the Respondents as per the order of the Family Court, if any, within 60 days from today.

(ABHAY J. MANTRI, J.)

SPC