



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 318 OF 2025

Rahul S/o Rajendra Gosawi
Age: 31 years, Occu- Agri,
R/o - Post Sonai, Tq. - Newasa,
Dist. Ahmednagar

...Applicant

Versus

Renuka W/o Rahul Gosawi,
Age: 21 years, Occu - Service,
R/o - Post Sonai, Tq. - Newasa
Dist. Ahmednagar
Now R/o - C/o - Vaijnath Bhagwan Puri
Ankush Nagar, Wada of Wagh, Beed
Tq & Dist. Beed

...Respondent

- Mr. A. G. Ambetkar, Advocate for the Applicant
- Mr. P. A. Pisal, Advocate for the Respondent

CORAM : ABHAY S. WAGHWASE, J
RESERVED ON : JANUARY 08, 2026
PRONOUNCED ON : JANUARY 12, 2026

ORDER :

1. In this Revision, Original Respondent – Husband is taking exception to the judgment and order passed by Family Court, Beed dated 02.04.2024 in Petition No. E-55/2022, whereby, maintenance has been granted in favour of Original Petitioner – Wife to the tune of Rs. 10,000/- per month.
2. In nutshell case is that, after marriage between parties

dated 09.12.2021, they properly cohabited barely for a month or so. That, as husband objected for her further education and started suspecting her character and finally being driven out of her house on 12.02.2022, she started residing with her parents. It is her case that, she had no provision for her maintenance and, therefore, being wife, she is liable to be maintained by husband. She sought maintenance alleging income of husband to the tune of Rs. 9 to 10 lacs per annum.

The above proceedings, under Section 125 of the Code of Criminal Procedure, is resisted by present Revision Petitioner by filing say at Exhibit 15 rejecting the case of wife, accusations of maltreatment, suspicion of character and he put-forth case of she on her own accord deserted him and, therefore, not entitled to maintenance. He also denied his agriculture income as claimed by wife.

After appreciating the oral and documentary evidence, learned Trial Court by order dated 02.04.2024, partly allowed the application and directed husband – present Revision Petitioner to pay maintenance to the tune of Rs. 10,000/- per month from the date of Petition. Precisely, this order is under challenge by way of present Revision.

3. Learned Counsel for the Revision Petitioner would point out

that, wife was not driven out of house by husband and she had left his company on her own accord firstly, for education purpose and secondly, she was not willing to cohabit and that there was no neglect to maintain by husband. He further submits that, there was no convincing evidence about alleged income of husband so as to seek maintenance. He pointed out that, merely on the basis of averments of wife that husband has agricultural land, huge maintenance of Rs. 10,000/- p.m. has been awarded. That, there was no foundation for arriving to such figure and, therefore, he seeks indulgence of this Court by allowing the Revision.

4. Learned Counsel for Respondent supports the impugned order by pointing out that learned Trial Court has analyzed the evidence in proper perspective and has committed no error whatsoever in granting maintenance and he prays to dismiss the Revision for want of merits.

5. Admittedly, parties are husband and wife and there is no further dispute that, since 12.02.2022 wife is residing separately. There are allegations from both sides against each other for breakdown of the relationship. However, factum of they residing separately has not been denied by any of the party. Wife in her evidence has set up a claim that Husband is owner of 47 R land whereas, his mother is the owner of 75R land and they are ripping crops like sugarcane and guava and earning

Rs. 9 to 10 lacs per annum. Learned Trial Court has appreciated the affidavit of evidence of wife at Exhibit 17 and that of her father at Exhibit 19. Husband – present Revision Petitioner failed to cross-examine the wife and merely filed written say at Exhibit 15. It seems that in paragraph 11, learned Trial Court has held that, husband is agriculturist and wife has produced mutation entry no. 2802, which reflects that Husband has transferred land admeasuring 47R in the name of one Harish Sharad Gosawi. Finally, it has been observed that, husband failed to comply with the order of Court regarding filing statement of income of assets and liabilities and, therefore, formed an opinion that husband might be having sufficient funds, which he has received from the above referred transaction.

Therefore, apparently, on the basis of sole solitary transaction of sale of land, learned Trial Court has decided to award Rs. 10,000/- per month towards maintenance. There was nothing beyond such document to take a call on the earnings and income of husband. Therefore, awarding Rs. 10,000/- per month towards maintenance without any foundation seems to be an error committed by learned Trial Court and, therefore, interference is warranted. Hence, I proceed to pass following order:

ORDER

- A. Criminal Revision Application is partly allowed.
- B. Clause 'b' of the impugned order is modified to the extent of granting Rs. 8,000/- instead of Rs. 10,000/- towards maintenance.
- C. Rest of the judgment and order to remain intact.

(ABHAY S. WAGHWASE, J.)

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