



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

CRIMINAL REVISION APPLICATION NO. 351 OF 2025

Shivaji S/o Nagnath Phulari

Age – 50 years, Occupation – Business,

R/o. Loni Kand, Haveli, Tq. Haveli,

Dist. Pune, Pin Code No. 412216.

...Applicant

Versus

Sonali W/o Shivaji Phulari

(Sonali d/o Aashokrao Phulari)

Age – 42 years, Occupation – Household,

R/o. Mahsul Colony, Deepak Nagar,

Nanded. Tq. & Dist. Nanded

...Respondent

- Mr. I. D. Maniyar, Advocate for the Applicant

CORAM : ABHAY S. WAGHWASE, J
RESERVED ON : FEBRUARY 03, 2026
PRONOUNCED ON : FEBRUARY 05, 2026

ORDER :

1. In this revision, there is challenge to judgment and order dated 21.07.2025 passed by learned Family Court, Nanded in Petition No. E-153/2022, which was for enhancement of compensation.

2. Present Respondent initially instituted proceedings under Section 125 Code of Criminal Procedure (“CrPC”) bearing no.E-114/2015 and stood beneficiary to the maintenance to the tune of Rs. 2,000/- or in lieu Respondent Husband was directed to pay lump sum amount of Rs.2,50,000/- vide judgment and order dated 29.09.2020. Subsequently,

in 2022 i.e. after two years, by invoking Section 127 CrPC, enhancement Petition was pressed into service contending that, said quantum granted by previous order is insufficient and thereby prayed to enhance the same. Her said application came to be partly allowed thereby enhancing the amount from Rs.2,000/- to Rs.6,000/-.

Feeling aggrieved by the above, husband Revision Petitioner preferred present Revision Petition assailing the above order.

3. Learned Counsel for Revision Petitioner would point out that, Revision Petitioner was married to Respondent in the year 2001. As relations between them got strained and as wife was psychologically disturbed, he instituted proceedings under Section 13(1) of the Hindu Marriage Act. Said proceedings came to be allowed by order dated 31.08.2018. He pointed out that, in spite of being given divorce, Respondent wife instituted proceedings under Section 125 CrPC and prayed for enhancement by invoking Section 127 CrPC.

4. He further submitted that, in fact, in the order of maintenance under Section 125 CrPC, there were directions to pay Rs.2,000/- p.m or in lieu of it to pay lump sum Rs.2,50,000/-. That, the said orders were followed and wife has received the said lump-sum amount. Thus, according to learned Counsel, as there was grant of lump

sum maintenance, now it was not open for wife to institute proceedings under Section 127 CrPC. For above reasons, he criticizes the impugned judgment under challenge dated 21.07.2025 and prays to allow the Revision.

5. In spite of service to Respondent, there was no response and as Revision is of year 2025 and after passing order on 16.01.2026, matter is taken up for decision.

6. Heard. Perused the record.

7. The limited scope for this Court while entertaining Revision is to ascertain whether impugned order is just, legal or proper or whether it suffers from patent illegality or perversity.

Present Respondent instituted Petition No.E-114/2017 seeking compensation under Section 125 CrPC. On contest and on appreciation, learned Family Court passed following order:

1. *This petition is allowed.*
2. *The respondent shall pay Rs.2,000/- per month to the petitioner towards her maintenance from the date of application till the petitioner remarries;*

Or

the respondent shall pay Rs.2,50,000/- in lumpsum towards the one time maintenance of the petitioner

within three months from the date of this order.

3. The respondent shall pay cost of Rs.2,000/- to the petitioner.

4. Copy of this judgment be provided to petitioner free of cost.

8. Thus, it is clear from above order that, initially there are directions to pay Rs.2,000/- p.m. towards maintenance and in the alternative, there are directions to husband to pay Rs.2,50,000/- in lump sum towards one time maintenance. Two years later, proceedings by invoking Section 127 CrPC are instituted by wife and same came to be partly allowed.

9. It appears that, before such proceedings present Revision Petitioner came with a case that, there being lump sum payment made and even accepted, it was not open for wife to re-agitate claim by seeking enhancement for having accepted Rs.2,50,000/-. Papers show that, present Revision Petitioner did not appear & contest the above claim for enhancement and did not adduce any evidence and there is observations of Family Court in paragraph 5 of the judgment.

10. Enhancement was sought on the ground that, there is inflation resulting into rise in cost of living and, therefore, earlier amount of Rs.2,000/- was sought to be enhanced to Rs. 15,000/-.

11. The above discussed order of family Court dated 29.09.2000 shows that, Rs.2,000/- p.m. maintenance has been granted till the Petitioner Wife therein remarries. Here wife has not contested the Revision, however, even Revision Petitioner has not demonstrated that subsequent to above order, wife has remarried.

12. Section 2(A) of amended provision under Section 125 CrPC is as under:

“(2A) Notwithstanding anything otherwise contained in sub-sections (1) and (2), where an application is made by the wife under clause (a) of sub-section (1) for the maintenance allowance, the applicant may also seek relief that the order may be made for the payment of maintenance allowance in lump-sum in lieu of the payment of monthly maintenance allowance, and the Magistrate may, after taking into consideration all the circumstances obtaining in the case including the factors like the age, physical condition, economic conditions and other liabilities and commitments of both the parties, pass an order that the respondent shall pay the maintenance allowance in lump-sum in lieu of the monthly maintenance allowance, covering a specified period, not exceeding five years at a time, or for such period which may exceed five years, as may be mutually agreed to, by the parties.”

13. The above provision stipulates either grant of monthly maintenance or to pass order for payment of maintenance in lump sum

in lieu of monthly maintenance covering a period not exceeding five years at a time or for such period which exceeds five years as may be mutually agreed by the parties. Here, the life of lump sum payment of Rs. 2,50,000/- was only for five years i.e. from 29.09.2020 till September, 2025. The wording used in above provision is that, the said lump sum maintenance should not exceed five years at a **single time** and it is further stated that, it can be for such period, which may exceed five years as may be mutually agreed by the parties. Here, there is no mutual agreement, however, while enhancing maintenance, learned Family Court has taken into account above provision and has observed that, wife has exercised the option of availing lump sum maintenance of Rs. 2,50,000/- and, therefore, in view of above lifespan of five years, she is entitled to renew her request for enhancement. This is what is precisely accepted by learned Family court, Nanded in its judgment dated 21.07.2025.

14. How above order is perverse or illegal has not been demonstrated by the Revision Petitioner. Though Revision Petitioner claims to have divorced Respondent Wife, till she remarries and there is evidence to that extent, in the capacity of divorcee also when there is no means and resources for her livelihood, she continues to receive the said maintenance.

15. Consequently, as there is no illegality in the order of enhancement and Revision being devoid of merits, the same deserves to be dismissed. Hence, the following order:

ORDER

The Criminal Revision Application stands dismissed.

(ABHAY S. WAGHWASE, J.)

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