

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIRCUIT BENCH AT KOLHAPUR  
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL REVISION APPLICATION NO. 376 OF 2025

SHAHID A. RASHID KAPADI AND OTHERS  
VERSUS

SHAMA LIYAKAT PATANKAR AND ANOTHER

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Advocate for Applicants: Ms. Sanjana Desai a/w. Advait Vajaratkar,  
Ms. Sakshi Jankar and Ms. Prerana Somani  
h/f. Mr. Sangram Desai

Advocate for Respondents : Mr. Vishwanath Talkute a/w.  
Mr. Mahesh Bhosale, Ms. Sampada Patil and Mr. Shivaji Kokane

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**CORAM : SACHIN S. DESHMUKH, J.**

**DATE : 28-04-2026**

**PER COURT:-**

1. The applicants have assailed the order dated 20.08.2025 rendered by the learned Additional Sessions Judge, Ratnagiri, in Criminal Appeal No. 36 of 2025 arising out of the order dated 28.04.2015 in Criminal Miscellaneous Application No.167 of 2012 presented under the Domestic Violence Act before the Learned 2<sup>nd</sup> Judicial Magistrate First Class, Ratnagiri.

2. Applicant No. 1 and Respondent No. 1 are husband and wife, having married in the year 2008 in accordance with personal rites and customs. Son, impleaded as Respondent No. 2, was born out of the said wedlock. Applicant Nos. 2 to 4 are the in-laws of Respondent No. 1. Respondent No. 1 had initiated proceedings against the husband and in-laws under the Protection of Women

from Domestic Violence Act, 2005 (hereinafter, referred to as 'the DV Act'), alleging domestic violence and seeking reliefs, including monthly maintenance, alternative accommodation, return of articles, and other ancillary reliefs. However, the said application was rejected by the learned Trial Court vide judgment dated 28.04.2025.

3. Aggrieved by the said judgment, the wife and son (respondents, herein) preferred an appeal, which was partly allowed. The appellate court directed applicant No.1/husband to pay monthly maintenance of Rs.1,00,000/- to the respondent/wife, with effect from the date of the original application. Further, the husband was directed to pay Rs.20,000/- per month towards the rent of the premises, where the wife resides. Consequently, the applicants have approached this Court seeking relief against the said order.

4. Learned counsel for the applicants submits that the learned Appellate Court erred in awarding an exorbitant quantum of maintenance. It is contended that the Court overlooked the respondent-wife's independent earning capacity. Further, it is submitted that the Court failed to adequately consider the applicant-husband's significant financial liabilities, including his obligation to maintain other family members and a second wife.

5. Per contra, the learned counsel for the respondent-wife vehemently opposed the present application, submitting that the learned Appellate Court has rightly recorded the findings in accordance with the provisions of Section 20(2) of the DV Act. Further emphasising that monetary relief must be adequate, fair, and consistent with the standard of living to which the aggrieved person is accustomed.

6. Learned Counsel submits that the Petitioner's Income Tax Return is already on record, which the trial court has correctly relied upon to determine the quantum of maintenance. When confronted, the Learned counsel for the petitioner has not disputed the same.

7. After hearing the rival submissions on behalf of litigating sides and perusal of the material on record, the marital relationship between the parties is admitted. Under the law, the husband's primary obligation is to maintain his wife. The applicant's argument regarding his liability towards a second wife cannot be used to defeat the rightful entitlement of maintenance of the first wife, particularly when his admitted income and tax returns thereon supports the maintenance awarded. Thus, the Appellate Court's assessment of the quantum of maintenance appears to be reasonable and justified one.

8. Thus, the findings rendered by the Appellate Court align with the spirit of Section 20(2) of the DV Act, which ensures that maintenance remains adequate and consistent with the standard of living to which the parties are accustomed. These findings do not suffer from any perversity or error of law that would warrant interference by this Court.

9. Consequently, there is no merit in invoking the Court's revisional jurisdiction. The assessment made by the Court below is consistent with the material available record and deserves to be sustained.

10. In view of the above, the criminal revision application is dismissed.

11. Considering the conduct of the applicant/husband, the applicant is directed to pay costs quantified at Rs.50,000/- (Rs.Fifty Thousand) to the respondent-wife, within a period of four weeks from today. Failure to comply will result in the amount being recovered as land revenue arrears.

[SACHIN S. DESHMUKH]  
JUDGE