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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 291 OF 2025

VAISHALI ANIL TIKAM

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Date: 2026.10.06 17:43:14 +0530

Machindra Hanumant Shinde ...Applicant/s

VERSUS

Sheetal Machlndra Shinde and Ors. ...Respondent/s

Mr. Akshay Deshmukh i/by Ms. Sonali Patil , for the Applicant.
Ms. Rajashri Somvanshi for Respondent No.1
Mr. S.S. Pednekar, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.
DATE : 1st OCTOBER 2026.

P.C. :

1. Heard learned counsel for the Applicant,learned counsel for Respondents and learned APP.

2. The challenge in this revision application is to the order of maintenance dated 07/05/2025 passed by the Learned Family Court No.2, Pune.

3. It is contention of learned counsel for the Petitioner that the Learned Family Judge has directed to pay Rs.20,000/- per month to Respondent No.1 and Rs.10,000/- each to Respondent Nos. 2 and 3 towards the maintenance from the date of order. Learned counsel further submitted that the Petitioner has not filed his assets and liabilities. The Learned Judge has passed the order on the basis of assumed income without considering the actual income of the Petitioner. Learned counsel

for the Petitioner submits that the Petitioner will file affidavit of assets and liabilities. The matter be remanded back by giving an opportunity to put his case and requested to allow the Petition.

4. It is contention of learned counsel for the Respondents that Respondent No.1 has no source of income. Petitioner earns lakhs of rupees from his business. Respondent No.1 is taking care of two minor children (Respondent Nos. 2 and 3). The Learned Judge has passed well reasoned order. No interference is required in it and requested to reject the application.

5. I have heard both learned counsel. While passing the order, the Learned Judge has observed that the Petitioner is having 8 workmen and his own tempo. He must be paying Rs.1,50,000/- towards salary to the workmen and his gross income must be around Rs.3,00,000/-. The Income tax Return produced by businessman cannot be taken as gospel truth. On that ground, the Learned Judge has passed the impugned order. In my view, the impugned order was passed on the basis of assumed income. The Petitioner is ready to file affidavit of assets and liabilities before the Family Court. Considering this fact, I find it fit case to remand back the matter for fresh hearing and I pass following order:

ORDER

(i) Revision Application is partly allowed.

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(ii) The order dated 07/05/2025 passed by the Learned Family Court at Pune granting maintenance to the Respondents is quashed and set aside. The matter is remanded back for fresh hearing of maintenance application.

(iii) Both parties shall file fresh affidavits of assets and liabilities.

(iv) Learned Family Court shall decide the quantum of maintenance afresh, considering the evidence on record and without influenced of order of this Court.

(v) Till the decision of the maintenance application, the Petitioner shall pay the maintenance as granted by the Learned Family Court.

Revision Application is disposed of accordingly.

(SHIVKUMAR DIGE, J.)