

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
REVISION APPLICATION NO.207 OF 2026

Neha B. Chaudhary ...Applicant
V/s.
Nitin B. Chaudhary and Anr. ...Respondents.

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Mr. Ajinkya M. Udane a/w. Mr. Vinayak Pandit and Mr. Indraraj Yadav for the Applicant.
Mr. Ghansham Jadhav for the Respondent No.1.
Mr. V.N. Sagare, APP for the Respondent/State.

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CORAM : N.R. BORKAR, J.
DATE : 06.05.2026.

P.C. :

1. The applicant herein had filed an application for enhancement of amount of maintenance before the Family Court, Pune. By the order dated 17.04.2019, the learned Family Court has allowed the said application. The learned Family Court has, however, directed the payment of enhance amount of maintenance from the date of order.
2. The applicant being aggrieved by the said order of the Family Court to the extent of directing the payment of enhance amount of maintenance from the date of order has filed this revision.
3. I have heard the learned counsel for the applicant and the learned counsel for the contesting respondent.
4. Learned counsel for the applicant submits that it is well settled that maintenance has to be awarded from the date of filing

of the application for maintenance. It is submitted that the learned Family Court has not recorded any reasons for deviating from the well settled legal position. It is submitted that the order of the learned Family Court to that extent thus needs to be modified. In support of the submissions that maintenance has to be awarded from the date of filing of the application, the learned counsel for the applicant has relied upon the judgment of the Hon'ble Supreme Court in the case of ***Rajnish vs. Neha and Anr.***¹

5. On the other hand, learned counsel for the contesting respondent supported the impugned order. It is submitted that in absence of any mandate under Section 127 of the Cr.P.C. to award the amount of enhanced maintenance from the date of filing of the application, this Court may not interfere with the order of the Family Court.

6. The Hon'ble Supreme Court in *Rajnish vs. Neha (supra)* in paragraph 111 and 113 has held thus:

"111. The rationale of granting maintenance from the date of application finds its roots in the object of enacting maintenance legislations, so as to enable the wife to overcome the financial crunch which occurs on separation from the husband. Financial constraints of a dependent spouse hamper their capacity to be effectively represented before the Court. In order to prevent a dependant from being reduced to destitution, it is necessary that maintenance is awarded from the date on which the application for maintenance is filed before the court concerned.

131. We make it clear that maintenance in all cases will be

¹ (2021) 2 SCC 324

awarded from the date of filing the application for maintenance, as held in Part B -IV above.”

7. In view of the above decision of the Hon’ble Supreme Court, the order of the Family Court will have to be modified. In the result, the following order is passed:

ORDER

a] Revision Application is allowed.

b] The respondent shall pay the enhance amount of maintenance in terms of the judgment and order dated 17th April 2019 passed by the Family Court, Pune in Criminal Miscellaneous Application No. 6 of 2017, from the date of filing of the application for enhancement of amount of maintenance.

[N.R.BORKAR, J.]