

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.1383 OF 2026**

Avinash Satyawar Rane ... Petitioner
Vs.
Priya Avinash Rane & Ors. ... Respondents

Mr. Mahesh R. Joshi for the Petitioner.
Mr. Manoj M. Parse for Respondent Nos.1 and 2.
Ms. S. G. Talhar, APP for the Respondent-State.

**CORAM : N.R. BORKAR, J.
DATE : 24TH APRIL 2026**

PC. :

1. This Petition takes exception to the judgement and order dated 13th January 2026 passed by the Additional Sessions Judge, Mazgaon, Mumbai in Criminal Appeal No.864 of 2023.
2. The Respondents/daughters herein had filed the application under the provisions of Protection of Women from Domestic Violence Act, 2005 ('PWDV Act') for monetary relief/maintenance against the Petitioner/father.
3. By order dated 20th October 2023 in C. C. No.5300037/DV/2013, the Learned Magistrate directed the Petitioner-Father to pay the maintenance at the rate of Rs.10,000/- per month to each of the daughters from the date of filing of the application.
4. By the order impugned, the Learned Additional Sessions Judge has dismissed the Appeal filed by the present Petitioner against the order of the Learned Magistrate.

5. I have heard Learned Counsel for the Petitioner and Learned Counsel for the Respondents.

6. Learned Counsel for the Petitioner submits that on 13th December 2018, Respondent No.2/daughter Prajakta has attained the age of 18 years. The Learned Counsel for the Petitioner has drawn my attention to Section 20 and Section 2(b) of the PWDV Act to submit that in terms of said provisions, children are entitled to maintenance upto the age of 18 years only. It is submitted that the impugned judgement and order be modified to that extent.

7. On the other hand, Learned Counsel for Respondent Nos.1 and 2 supported the impugned judgement and order.

8. Section 20 of the PWDV Act reads as under:

“20. Monetary reliefs. - (1) While disposing of an application under sub-section (1) of section 12, the Magistrate may direct the respondent to pay monetary relief to meet the expenses incurred and losses suffered by the aggrieved person and any child of the aggrieved person as a result of the domestic violence and such relief may include, but not limited to,-

(a) the loss of earnings;

(b) the medical expenses;

(c) the loss caused due to the destruction, damage or removal of any property from the control of the aggrieved person; and

(d) the maintenance for the aggrieved person as well as her children, if any, including an order under or in addition to an order of maintenance under section 125 of the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force.

(2) The monetary relief granted under this section shall be adequate, fair and reasonable and consistent with the standard of living to which the aggrieved person is accustomed.

(3) The Magistrate shall have the power to order an appropriate lump sum payment or monthly payments of maintenance, as the nature and circumstances of the case may require.

(4) The Magistrate shall send a copy of the order for monetary relief made under sub-section (1) to the parties to the application and to the in charge of the police station within the local limits of whose jurisdiction the respondent resides.

(5) The respondent shall pay the monetary relief granted to the aggrieved person within the period specified in the order under sub-section (1).

(6) Upon the failure on the part of the respondent to make payment in terms of the order under sub-section (1), the Magistrate may direct the employer or a debtor of the respondent, to directly pay to the aggrieved person or to deposit with the court a portion of the wages or salaries or debt due to or accrued to the credit of the respondent, which amount may be adjusted towards the monetary relief payable by the respondent.”

9. Section 2(b) of the PWDV Act reads thus:

“2(b) “child” means any person below the age of eighteen years and includes any adopted, step or foster child”

10. The above provisions if read conjointly would show that children are entitled to maintenance upto the age of 18 years. In the present case, it is not disputed that Respondent No.2/daughter Prajakta has attained the age of 18 years on 13th December 2018. She is thus entitled to get maintenance till that date only.

11. The impugned judgement and order shall stand modified to the above extent. This however will not preclude the Respondent No.2/daughter Prajakta to avail other remedies available in the law for maintenance.

12. The Writ Petition is disposed of in the aforesaid terms.

(N.R. BORKAR, J.)