



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL REVISION APPLICATION NO. 214 OF 2024

1. **Madan Mahada Bundhe**
Aged about 38 years,
Occupation :Service,
R/o Buldhana, Tq &
Dist. Buldhana behind Haji Malang
Darga, Chikhli Road, Buldhana

APPLICANT

// V E R S U S //

1. **Ku. Gayatri Madan Bundhe,**
Age:- 12 years,
Occ. Education
2. **Ku. Sharanyu Madan Bundhe**
Age:- 05 years, Occ.:- Education,
Non-applicant No.1 and 2 minor by
GAL mother, Sau. Vijayshri Madan
Bundhe, C/o Vivekanand
Shantaram Bundhe, R/o Behind
Dr. Gaikwad Hospital Buldhana
Tah. and Dist. Buldhana

NON-APPLICANTS

Mr. R.M. Daga, Advocate for the applicant.
Mr. N.B. Jawade, APP for non-applicant No.1 /State.

CORAM : URMILA JOSHI PHALKE, J.

DATE:- 25.02.2026

O R A L J U D G M E N T :

1. Heard.

2. **ADMIT.** Taken up for final disposal with the consent of learned counsel for the parties.

3. By preferring this revision application, the applicant-husband has challenged the judgment and order of maintenance granted by Family Court, Buldhana in Petition No. E-11/2020 dated 13/07/2022 by which the maintenance was granted to non-applicant Nos.1 and 2 i.e. children.

4. Non-applicant Nos.1 and 2 prefer an application for grant of maintenance before the Family Court Buldhana through their mother Vijayshri Madan Bundhe on an allegation that marriage of their mother namely Vijayshree was solemnized with the applicant on 16.05.2006 at Buldhana. After one to two years of the marriage, the applicant addicted to bad vices like liquor, used to beat their mother. In the meantime, their mother gave birth of non-applicant No.1-Gayatri. However, present applicant was suspecting her character. After some time, she has given birth to the non-applicant No.2. It is alleged that there was no change in the behaviour of applicant after the birth of the children also and he has not only neglected their mother but also neglected

them also and therefore, mother constrained to leave the matrimonial house and started residing separately. It is contented by non-applicants that applicant is a government servant and draws salary to the tune of Rs.80,000/-. In addition to that he is also having agricultural land from which he generates income to the tune of Rs.5,00,000/- per annum. There is no other responsibility. No one is dependent on him. On the contrary, the mother of the present non-applicants is working as a Junior Clerk in the Zilla Parishad and drawing salary of Rs.50,000/- but as they are taking education she has to incur expenses of their education, food shelter and therefore, they are in need of money and care. The applicant has not made any provision for their maintenance therefore, they approached to the Court.

5. The said application is strongly opposed by the present applicant and denied all the allegations. He submitted that the mother of the present non-applicants is earning and drawing the salary of Rs.50,000/-. The mother of the present non-applicants are sufficient means to maintain the children and therefore, application deserves to be rejected.

6. After appreciating the evidence on record Family Court has granted maintenance @ Rs.5,000/- (Rs. Five Thousand Only) each to non-applicant Nos.1 and 2 from the date of petition i.e. 05.12.2020.

7. Being aggrieved and dissatisfied by the same the present revision application is filed by the applicant.

8. Heard learned counsel for the applicant who invited my attention towards the cross examination of mother of the non-applicants, who has admitted that she is serving as senior clerk in Zilla Parishad and drawing salary of Rs.50,000/- and submitted that this admission is itself sufficient to show that mother of the present non-applicants is having sufficient means and therefore, application for grant of maintenance deserves to be rejected. He submitted that on the other hand other family member i.e. his mother is also dependent on him. He has to incur the expenses towards the medical treatment of his mother and therefore, he is not having sufficient means. Therefore, the order granting maintenance deserves to be rejected.

9. Despite service of notice none appears for the non-applicants.

10. Perused the impugned judgment as well as non-applicants. On behalf of non-applicants their mother entered into the witness box and deposed as to the ill treatment which is caused to her by the present applicant. She has specifically stated that present applicant addicted to bad vices and under the influence of liquor he used to beat her and therefore, she constrained to leave the matrimonial house. She further stated that applicant has not made any provision for the maintenance of their children and therefore, she constrained to file an application for grant of maintenance. Admittedly during the cross-examination she has admitted that she is serving in Zilla Parishad as a clerk and getting salary of Rs.50,000/-.

11. It is not in dispute that applicant is also doing government job and drawing handsome salary. Even it is accepted that mother of the present non-applicants is earning member and not dependent on the present applicant as she is drawing salary of

Rs.50,000/-. At the same time, present applicant being father owes the duty towards his children. Admittedly, he has not made any provision for grant of maintenance. Mother of the children has to incur expenses towards food, shelter and education of the children. Now a days, prices of essential commodities as well as education cost is rising day by day. In view of that, it is the duty of the present applicant to share expenses along with the mother of non-applicants.

12. In view of that and considering that he is government servant drawing handsome salary, the amount granted towards the maintenance is not excessive and exorbitant.

13. In view of that revision being devoid of merits and it is liable to be dismissed.

Accordingly, I proceed to pass the following order:-

(i) Criminal Revision Application is dismissed.

Pending applications, if any also stand disposed of.

(URMILA JOSHI PHALKE, J.)