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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL REVISION APPLICATION NO.32 OF 2024

1. Deepak s/o Rameshrao Chambhare,
Aged about 35 Years,
Occupation : Business,
R/o. Opposite of Malkapur Bus Stop,
Taluka Malkapur, District Buldhana.

.... APPLICANT

// VERSUS //

1. Mrs. Namrata Deepak Chambhare (Patil),
Aged about 28 Years,
Occupation : Housework,
2. Yashasvi Deepak Chambhare (Patil),
Aged about 2 Years,
Occupation : Nil.,
3. Kartiki Deepak Chambhare (Patil),
Aged about : 3 months,
Occupation : Nil,
All R/o. Viraj Supershop, Near
Hirulkar Petrol Pump,
Kaulkhed, Mangrulpir Road,
District Akola.

....NON-APPLICANTS

WITH

CRIMINAL REVISION APPLICATION NO.181 OF 2024

1. Namrata Deepak Chambhare,
Age 30 Years,
Occupation : Household,
2. Yashasvi Deepak Chambhare,
Age 5 Years,
Occupation : N/A,
3. Kartiki Deepak Chambhare,
Age 2 Years,
Occupation : NA,
Applicant No. 2 and 3 being minor
Though natural guardian

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i.e. Applicant No.1
C/o. Ganesh Shankarrao Dhotre,
Viraj Supershopee, Hirulkar
Petrol Pump, Kaulkhed,
Mangrulpir Road, Akola,
Taluka and District Akola.

.... APPLICANTS

// VERSUS //

1. Deepak Rameshrao Chambhare,
Age 36 Years,
Occupation : Service,
R/o. Opp. Malkapur Bus Station,
Malkapur Tq and District Buldhana.

....NON-APPLICANT

Mr. H. V. Dhage, Advocate for applicant in Rev. 32/2024.

Mr. Nikhil Parwani, Advocate h/f Mr. U. J. Deshpande, Advocate for
non-applicant Nos.1 to 3 in Rev. 32/2024.

Mr. Nikhil Parwani, Advocate h/f Mr. U. J. Deshpande, Advocate for
applicants in Revn.No.181/2024.

Mr. H. V. Dhage, Advocate for non-applicant in Revn.No.181/2024.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 20/02/2026

ORAL JUDGMENT :

1. Heard.

2. **Admit.**

3. Heard finally with the consent of the learned Counsel
for the parties.

4. Both these revision applications challenges the order
passed by the Family Court, Akola in Petition No.E.-149/2021
dated 21.10.2023. The Criminal Revision Application No.32/2024
is by the husband challenging the order of maintenance granted
to the non-applicant Nos.2 and 3 at the rate of Rs.7,500/- each

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whereas by Criminal Revision Application No.181/2024 the wife has challenged the order of the Family Court, Akola, rejecting the grant of maintenance to her.

5. Brief facts which are necessary for the disposal of both the revision applications are as under:

The applicant Deepak s/o Rameshrao Chambhare and the non-applicant Namrata Deepak Chambhare are husband and wife. Their marriage took on 15.05.2016 at Malkapur, District Buldhana as per the Hindu rites and rituals. After marriage, the non-applicant No.1 wife resumed the cohabitation at the house of the applicant. From the said wedlock, she has begotten two daughters. As per the allegations levelled by her in the application that she was not treated well by the present applicant and not take care of her day-to-day needs. She further alleged that due to the ill-treatment at the hands of the present applicant, she was constrained to leave the matrimonial house and after she went at her parent's house, the applicant has not made any provision for her maintenance as well as not made a provision to the education expenses of the children also. Therefore, she constrained to file application under Section 125 of the Code of Criminal Procedure (for short 'Cr.P.C.') for grant of maintenance.

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6. The said application is strongly opposed by the present applicant before the learned Family Court on the ground that it was the present applicant wife, who has left the matrimonial house without any sufficient reason and therefore, she is not entitled for any maintenance.

7. The applicant as well as the non-applicant both have adduced the evidence before the trial Court. After appreciation of the evidence by the learned Family Court, the Family Court came to the conclusion that there is no material on record to show that the present applicant i.e. husband has refused and neglected her and therefore, she is entitled for maintenance. Considering the admissions given by the applicant wife, the application as far as the wife is concerned, came to be rejected, whereas the maintenance was granted to the two daughters who are residing with the applicant wife.

8. Being aggrieved and dissatisfied with the same, the present revision applications are filed by the husband and as well as wife. By the Criminal Revision Application No.32/2024, the husband has challenged the order of maintenance granting to the children on the ground that he has no sufficient means to grant the separate maintenance to the children. The applicant wife is educated lady and she can earn her livelihood. Her admission during the cross-examination shows that she studied as Bachelor

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of Engineering (BE) and therefore, she has sufficient means and she is able-bodied person therefore, she can maintain the children and therefore, the applicant is not responsible for grant of maintenance.

9. Per contra, it is the case of the applicant wife that though she is a graduate, but she has no sufficient means to maintain herself as well her children. The applicant has refused and neglected her and therefore, she is entitled for maintenance.

10. Heard learned counsel for both parties. They have endorsed the same contentions.

11. Section 125 of the Cr.P.C. deals with order for maintenance of wives, children and parents which states that if any person having sufficient means neglects or refuses to maintain his wife, unable to maintain herself, or his legitimate or illegitimate minor child, whether married or not, unable to maintain itself, or his legitimate or illegitimate child (not being a married daughter) who has attained the age majority, where such child is, by reason of any physical or mental abnormality or injury unable to maintain itself, or his father or mother, unable to maintain himself or herself. Thus, the requirement to grant of maintenance that applicant wife has to establish that she has refused and neglected to maintain by the husband, she is unable to maintain herself, and there are legitimate children who have

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unable to maintain themselves. On satisfaction of these conditions the applicant wife is entitled for maintenance.

12. In support of the contention, the applicant wife entered into the witness box and filed her affidavit of examination-in-chief wherein she has stated as per her application. Her application states that since 08.04.2019 the applicant husband has not made any provision for her maintenance or day-to-day needs and sent her a notice. She has no sufficient means to maintain herself and to maintain the children also, therefore, she is entitled for maintenance. Her cross-examination shows that, during the cross-examination, she has admitted that she studied up to BE computer, the marriage which was love marriage and from the said marriage, she has begotten two daughters. Her cross-examination further shows that her father-in-law had been to her house on 2-3 occasions, after she left the matrimonial house. Her cross-examination further shows that mediator of the marriage Haribhau Tayade also had been to her house to take her back, but she has not resumed the cohabitation. She also admits that before filing of the application for grant of maintenance, she has not issued any notice to her husband. She has specifically admitted during her cross-examination that there was a dispute between her, her husband and her brother and her husband has filed a complaint under Section 138 of the Negotiable Instruments Act against her

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brother. The Court has directed her brother to deposit 20 % of the amount, however, the said amount is not deposited by her brother. Her further admission shows that even if the applicant husband is ready to maintain her and cohabit with her, she is not ready to cohabit with him. Thus, as far as the refusal and neglect is concerned, her cross-examination shows that she is not willing to resume the cohabitation and she specifically denied that even if the husband is ready, she is not ready to go along with the husband and therefore, she denied to resume the cohabitation.

13. To counter her contention, the husband has also entered into the witness box and narrated as per his written statement. His cross-examination also shows that he has issued the notice to the non-applicant No.1 wife to resume the cohabitation, but she has not resumed the cohabitation. His cross-examination further shows that he has sent his friend to bring her back, but she has not returned. His cross-examination further shows that various complaints are filed against the father of the non-applicant wife, due to the financial constraint. His cross-examination further shows that he along with wife had been to the house of his in-laws on the say of wife. He also admits that first delivery of his wife in a Government Hospital. Thus, the entire cross-examination of the applicant husband also

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shows that despite the efforts, it was the non-applicant No.1 wife, who has not resumed the cohabitation.

14. Learned Family Court has appreciated this evidence and came to the conclusion that it was the wife who has refused and neglected to the husband and withdrawn herself from the company of the husband without any sufficient reasons. Admittedly, the entire evidence adduced by the non-applicant No.1 wife nowhere states what was the reason for her to leave the matrimonial house and it is apparent that without any sufficient and reasonable cause, she has withdrawn herself from the company of her husband and therefore, the Family Court rightly considered that she is not entitled for maintenance.

15. Coming to the aspect of the maintenance to the children is concerned, it is the contention of the applicant husband that he is not having sufficient means to give maintenance to the children. Admittedly, being a father, he owes the responsibility to the children. Now the expenses of the education are touching to the sky. There is hike in the school fees as well as the tuition fees. Admittedly, there is no evidence on record that the non-applicant wife is earning by doing a job and she is able to maintain the children. Though, the husband has stated that he has no sufficient means, but even accepting that he is doing the labour work and earning Rs.400/- to 500/-

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per day from the labour work, then also there are sufficient means for him to pay the maintenance to the children. As already observed that the non-applicant wife has to incur the expenses towards the clothing, shelter and education of the children and therefore, the amount of Rs.7,500/- is reasonable and just one, and therefore, no interference is called for.

16. In view of that, the order passed by the learned Family Court, Akola, granting maintenance to the children at the rate of Rs.7,500/- each is just and proper one, and therefore, both the revision applications deserve to be dismissed. Accordingly, I proceed to pass following order:

ORDER

The criminal Revision Application Nos. 32/2024 and 181/2024 are **dismissed**.

(URMILA JOSHI-PHALKE, J)